INTERNATIONAL COURT OF JUSTICE

Yearbook 1989-1990

No. 44

I.C.J. - THE HAGUE - 1990

2

YEARBOOK

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5

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In March 1947 the International Court of Justice instructed the Registrar to publish a *Yearbook* providing general information concerning its organization, jurisdiction, activities and administration.

The *Yearbook* appears in the second half of each year. The present volume – forty-fourth of the series – covers the period from 1 August 1989 to 31 July 1990.

The *Yearbook* is prepared by the Registry and in no way involves the responsibility of the Court; in particular, the summaries of judgments, advisory opinions and orders contained in Chapter VI cannot be quoted against the actual texts of those judgments, advisory opinions and orders and do not constitute an interpretation of them.

Eduardo VALENCIA-OSPINA,
Registrar of the Court.

READEX FICHE

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INTRODUCTION

The *International Court of Justice*, which has its seat in The Hague, is the principal judicial organ of the United Nations.

It had as its predecessor the *Permanent Court of International Justice*, which was instituted by the League of Nations in 1920 and was dissolved in 1946.

I. Basic Texts

The constitutional texts of the Court are the Charter of the United Nations and the Statute of the Court. A third basic text is the Rules of Court.

1. Charter of the United Nations

The International Court of Justice was brought into being by the Charter of the United Nations, signed at San Francisco on 26 June 1945. The Charter deals with the Court in Article 7, paragraph 1, Article 36, paragraph 3, and Articles 92-96, which form Chapter XIV.

2. Statute of the International Court of Justice

(a) *Text of the Statute*

By virtue of Article 92 of the Charter of the United Nations, the Statute of the Court is annexed to the Charter, of which it forms an integral part. The text of the Statute, which also was signed at San Francisco on 26 June 1945, is published by the Court in the volume *I.C.J. Acts and Documents No. 5*, pages 60-89.

The above-mentioned Article indicates that the Statute is based upon that of the *Permanent Court of International Justice*. The modifications are few in number, most of them being formal adaptations designed to take account of the replacement of the League of Nations by the United Nations. The *I.C.J. Yearbook 1946-1947*, pages 101-102, gives a list of the articles modified.

(b) *States parties to the Statute*

Article 93 of the Charter provides:

> "1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
>
> 2. A State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on

conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

The States parties to the Statute are listed in Chapter III, pages 43-48, of this *Yearbook*.

(c) *Amendments to the Statute*

According to Article 69 of the Statute, amendments to that instrument may be effected by the same procedure as is provided for amendments to the Charter. This procedure is set out in Chapter XVIII of the Charter (Arts. 108-109). Article 108 provides that amendments to the Charter "shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council".

Article 69 of the Statute also specifies that provisions concerning the participation in the amendment procedure of States which are parties to the Statute but are not members of the United Nations may be adopted by the General Assembly upon recommendation of the Security Council (see Chap. III, p. 48, below).

Furthermore, Article 70 of the Statute empowers the Court to propose of its own accord such amendments to the Statute as it may deem necessary.

No amendments have so far been made to the Statute.

3. Rules of Court

Article 30 of the Statute provides that "the Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure."

Rules of Court were adopted on 6 May 1946, and were published by the Court in the volume *I.C.J. Acts and Documents No. 1*, second edition, pages 54-83. They were based on the latest text of the Rules of the *Permanent Court*, that of 11 March 1936, with certain changes, formal and substantive, a list of which was given in *I.C.J. Yearbook 1946-1947*, pages 102-103.

From 1946 to 1972 the Rules remained unchanged, although from time to time the Court, which keeps its procedure under constant review, considered their modification. In 1967 a revision was undertaken (see *I.C.J. Yearbook 1967-1968*, p. 87; *I.C.J. Yearbook 1969-1970*, p. 114; *I.C.J. Yearbook 1970-1971*, pp. 109-110) and on 10 May 1972 the Court adopted some partial amendments of immediate interest. Amended and partly renumbered Rules of Court (see *I.C.J. Acts and Documents No. 3*, pp. 92-149) thus came into force on 1 September 1972. A Note by the Registry (*Background Note IV*, or see *I.C.J. Yearbook 1971-1972*, pp. 3-11) indicates the changes and gives a table of concordance between the 1946 Rules and those of 1972.

The work of revision was subsequently resumed, and culminated on 14 April 1978 in the adoption of a new set of Rules. These Rules of Court came into force on 1 July 1978 and as from that date replaced the 1972 amended version of those adopted in 1946. They were published in *I.C.J. Acts and Documents No. 4* (pp. 92-161) concurrently with the issue of *I.C.J. Background Note V*, entitled "Note by the Registry on the Revised Rules of Court (1978)", which includes a table of concordance as between the respective articles of the new set and its predecessor. For a rather more detailed account of the background the reader is referred to pages 111-119 of *I.C.J. Yearbook 1977-1978*, which feature an analytical table enabling the structure of the new set of Rules to be compared with that of the 1946 and 1972 sets, and a table of concordance as between the specific articles of the 1978, 1972 and 1946 Rules of Court.

II. Chronological Survey

The Charter of the United Nations and the Statute of the Court entered into force on 24 October 1945.

After the election of its Members, on 6 February 1946, the Court met for the first time in The Hague on 1 April of the same year.

The first case entered in the General List of the Court *(Corfu Channel (United Kingdom* v. *Albania))* was submitted on 22 May 1947.

Between then and 31 July 1990 the Court has had to deal with a total of 81 cases, i.e., 61 contentious cases and 20 advisory cases, as listed below[1]. In those cases it gave 51 judgments and 21 advisory opinions. Of the 242 orders made therein, 190 related solely to the fixing or extending of time-limits, while 213 orders related to contentious cases and 29 to advisory cases.

Title	*Dates*
(a) Contentious[2]	
Corfu Channel (United Kingdom v. *Albania)*	1947-1949
Fisheries (United Kingdom v. *Norway)*	1949-1951
Protection of French Nationals and Protected Persons in Egypt (France v. *Egypt)*	1949-1950
Asylum (Colombia/Peru)	1949-1950
Rights of Nationals of the United States of America in Morocco (France v. *United States of America)*	1950-1952
Request for Interpretation of the Judgment of 20 November 1950 in the Asylum case (Colombia v. *Peru)*	1950

[1] Factual information (dates, etc.) regarding the course of the proceedings in each case is given in *Background Notes II* and *II bis: Synopsis of cases referred to the International Court of Justice* (see p. 122, below).

[2] In the case of proceedings instituted by means of a special agreement the names of the parties are separated by an oblique stroke.

Title	*Dates*
Haya de la Torre (Colombia v. *Peru)*	1950-1951
Ambatielos (Greece v. *United Kingdom)*	1951-1953
Anglo-Iranian Oil Co. (United Kingdom v. *Iran)*	1951-1952
Minquiers and Ecrehos (France/United Kingdom)	1951-1953
Nottebohm (Liechtenstein v. *Guatemala)*	1951-1955
Monetary Gold Removed from Rome in 1943 (Italy v. *France, United Kingdom and United States of America)*	1953-1954
Electricité de Beyrouth Company (France v. *Lebanon)*	1953-1954
Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. *Hungary)*	1954
Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. *USSR)*	1954
Aerial Incident of 10 March 1953 (United States of America v. *Czechoslovakia)*	1955-1956
Antarctica (United Kingdom v. *Argentina)*	1955-1956
Antarctica (United Kingdom v. *Chile)*	1955-1956
Aerial Incident of 7 October 1952 (United States of America v. *USSR)*	1955-1956
Certain Norwegian Loans (France v. *Norway)*	1955-1957
Right of Passage over Indian Territory (Portugal v. *India)*	1955-1960
Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. *Sweden)*	1957-1958
Interhandel (Switzerland v. *United States of America)*	1957-1959
Aerial Incident of 27 July 1955 (Israel v. *Bulgaria)*	1957-1959
Aerial Incident of 27 July 1955 (United States of America v. *Bulgaria)*	1957-1960
Aerial Incident of 27 July 1955 (United Kingdom v. *Bulgaria)*	1957-1959
Sovereignty over Certain Frontier Land (Belgium/Netherlands)	1957-1959
Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. *Nicaragua)*	1958-1960
Aerial Incident of 4 September 1954 (United States of America v. *USSR)*	1958
Barcelona Traction, Light and Power Company, Limited (Belgium v. *Spain)*	1958-1961
Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France v. *Lebanon)*	1959-1960
Aerial Incident of 7 November 1954 (United States of America v. *USSR)*	1959
Temple of Preah Vihear (Cambodia v. *Thailand)*	1959-1962
South West Africa (Ethiopia v. *South Africa; Liberia* v. *South Africa)*	1960-1966

Title	*Dates*
Northern Cameroons (Cameroon v. *United Kingdom)*	1961-1963
Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. *Spain)*	1962-1970
North Sea Continental Shelf (Federal Republic of Germany/ Denmark; Federal Republic of Germany/Netherlands)	1967-1969
Appeal Relating to the Jurisdiction of the ICAO Council (India v. *Pakistan)*	1971-1972
Fisheries Jurisdiction (United Kingdom v. *Iceland)*	1972-1974
Fisheries Jurisdiction (Federal Republic of Germany v. *Iceland)*	1972-1974
Nuclear Tests (Australia v. *France)*	1973-1974
Nuclear Tests (New Zealand v. *France)*	1973-1974
Trial of Pakistani Prisoners of War (Pakistan v. *India)*	1973
Aegean Sea Continental Shelf (Greece v. *Turkey)*	1976-1978
Continental Shelf (Tunisia/Libyan Arab Jamahiriya)	1978-1982
United States Diplomatic and Consular Staff in Tehran (United States of America v. *Iran)*	1979-1981
Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) [case referred to a Chamber]	1981-1984
Continental Shelf (Libyan Arab Jamahiriya/Malta)	1982-1985
Frontier Dispute (Burkina Faso/Republic of Mali) [case referred to a Chamber]	1983-1986
Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America)*	1984-
Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya)*	1984-1985
Border and Transborder Armed Actions (Nicaragua v. *Costa Rica)*	1986-1987
Border and Transborder Armed Actions (Nicaragua v. *Honduras)*	1986-
Land, Island and Maritime Frontier Dispute (El Salvador/ Honduras) [case referred to a Chamber]	1986-
Elettronica Sicula S.p.A. (ELSI) (United States of America v. *Italy)* [case referred to a Chamber]	1987-1989
Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway)*	1988-
Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. *United States of America)*	1989-
Certain Phosphate Lands in Nauru (Nauru v. *Australia)*	1989-
Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal)*	1989-

Title	*Dates*
(b) Advisory	
Conditions of Admission of a State to Membership in the United Nations (Article 4 of Charter)	1947-1948
Reparation for Injuries Suffered in the Service of the United Nations	1948-1949
Interpretation of Peace Treaties with Bulgaria, Hungary and Romania	1949-1950
Competence of the General Assembly for the Admission of a State to the United Nations	1949-1950
International Status of South West Africa	1949-1950
Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide	1950-1951
Effect of Awards of Compensation Made by the United Nations Administrative Tribunal	1953-1954
Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa	1954-1955
Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco	1955-1956
Admissibility of Hearings of Petitioners by the Committee on South West Africa	1955-1956
Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization	1959-1960
Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)	1961-1962
Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)	1970-1971
Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal	1972-1973
Western Sahara	1974-1975
Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt	1980
Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal	1981-1982
Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal	1984-1987
Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947	1988
Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations	1989

CHAPTER I

ORGANIZATION OF THE COURT

The organization of the International Court of Justice is governed by Articles 2-33 of the Statute of the Court and by Articles 1-18 and 32-37 of the Rules of Court.

I. Members of the Court

1. Composition of the Court[1]

The Court consists of 15 Members (Statute, Art. 3, para. 1).
On 31 July 1990 the composition of the Court was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President J. M. Ruda	Argentina	5 February 1991[2]
Vice-President K. Mbaye	Senegal	5 February 1991[2]
Judges M. Lachs	Poland	5 February 1994
T. O. Elias	Nigeria	5 February 1994
S. Oda	Japan	5 February 1994
R. Ago	Italy	5 February 1997
S. M. Schwebel	United States	5 February 1997
Sir Robert Jennings	United Kingdom	5 February 1991
M. Bedjaoui	Algeria	5 February 1997
Ni Zhengyu	China	5 February 1994
J. Evensen	Norway	5 February 1994
N. K. Tarassov	USSR	5 February 1997
G. Guillaume	France	5 February 1991[3]
M. Shahabuddeen	Guyana	5 February 1997
R. S. Pathak	India	5 February 1991[4]

The Members of the Court are elected for nine years, one-third of the total number of judges being elected every three years; they may be

[1] For the composition of chambers, see pp. 13-15, below.

[2] The terms of office of Judges Ruda and Mbaye as President and Vice-President respectively expire in 1991.

[3] Judge Guillaume was elected to fill the vacancy caused by the death, on 10 March 1987, of Judge Ladreit de Lacharrière (cf. *I.C.J. Yearbook 1986-1987*, p. 8).

[4] Judge Pathak was elected to fill the vacancy caused by the death, on 11 December 1988, of Judge Nagendra Singh (cf. *I.C.J. Yearbook 1988-1989*, p. 8).

re-elected (Statute, Art. 13). In the event of a vacancy, an election is held and the new judge holds office for the remainder of his predecessor's term (Statute, Arts. 14 and 15). Though replaced, Members of the Court finish any cases they have begun (Statute, Art. 13, para. 3).

As required by Article 7 of the Statute, the Secretary-General of the United Nations prepares for each election a list of the persons nominated in accordance with Articles 5 and 6. The election is held by the General Assembly and the Security Council of the United Nations, proceeding independently of each other and simultaneously (Statute, Arts. 8-12). The States parties to the Statute of the Court which are not members of the United Nations take part in the election by the General Assembly in the same manner as Members of the United Nations (General Assembly resolution 264 (III) of 8 October 1948; see Chap. III, pp. 47-48, below).

Members of the Court elected during the same session of the General Assembly whose terms of office begin on the same date take precedence according to seniority of age; Members elected at a previous session take precedence; in the event of immediate re-election a Member retains his former precedence (Rules, Art. 3, paras. 2-4).

The Court elects its President and Vice-President; they are both elected for three years and take precedence over the other judges (Statute, Art. 21, para. 1; Rules, Art. 3, para. 5, Arts. 10-14, Art. 18, para. 2, and Art. 32).

2. Former Presidents and Vice-Presidents and Former Members of the Court

The following judges served as President or Vice-President before the present holders of those offices:

1946-1949, J. G. Guerrero and J. Basdevant;

1949-1952, J. Basdevant and J. G. Guerrero[1];

1952-1955, Sir Arnold McNair and J. G. Guerrero[1];

1955-1958, G. H. Hackworth and A. H. Badawi[2];

1958-1961, H. Klaestad and Sir Muhammad Zafrulla Khan;

1961-1964, B. Winiarski and R. J. Alfaro;

1964-1967, Sir Percy Spender and V. K. Wellington Koo;

---

[1] While he was Vice-President of the Court, Judge Guerrero acted as President, by virtue of Article 13, paragraphs 1 and 2, of the 1946 Rules, in the following cases: *Corfu Channel (United Kingdom* v. *Albania); Protection of French Nationals and Protected Persons in Egypt (France* v. *Egypt); Rights of Nationals of the United States of America in Morocco (France* v. *United States of America); Ambatielos (Greece* v. *United Kingdom); Anglo-Iranian Oil Co. (United Kingdom* v. *Iran); Minquiers and Ecrehos (France/United Kingdom); Monetary Gold Removed from Rome in 1943 (Italy* v. *France, United Kingdom and United States of America).*

[2] While he was Vice-President of the Court, Judge Badawi acted as President, by virtue of Article 13, paragraph 1, of the 1946 Rules, in the cases concerning *Interhandel (Switzerland* v. *United States of America), Interim Protection,* and *Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria).*

1967-1970, J. L. Bustamante y Rivero and V. M. Koretsky;
1970-1973, Sir Muhammad Zafrulla Khan and F. Ammoun[1];
1973-1976, M. Lachs and F. Ammoun[1];
1976-1979, E. Jiménez de Aréchaga and Nagendra Singh;
1979-1982, Sir Humphrey Waldock[2] and T. O. Elias[3];
1982-1985, T. O. Elias[4] and J. Sette-Camara;
1985-1988, Nagendra Singh and G. Ladreit de Lacharrière[5].

Apart from the present judges, the following have been Members of the Court (the names of those who have died are preceded by an asterisk):

	Country	*Period of Office*
* R. J. Alfaro	Panama	1959-1964
* A. Alvarez	Chile	1946-1955
* F. Ammoun	Lebanon	1965-1976
* E. C. Armand-Ugon	Uruguay	1952-1961
* Ph. Azevedo	Brazil	1946-1951
* A. H. Badawi	Egypt	1946-1965
* J. Basdevant	France	1946-1964
* R. R. Baxter	United States	1979-1980
C. Bengzon	Philippines	1967-1976
* J. L. Bustamante y Rivero	Peru	1961-1970
* L. F. Carneiro	Brazil	1951-1955
* F. de Castro	Spain	1970-1979
* R. Córdova	Mexico	1955-1964
* Ch. De Visscher	Belgium	1946-1952
* H. C. Dillard	United States	1970-1979
* A. El-Erian	Egypt	1979-1981
A. El-Khani	Syria	1981-1985
* I. Fabela	Mexico	1946-1952

[1] While he was Vice-President of the Court, Judge Ammoun acted as President, by virtue of Article 11 and Article 13, paragraph 1, of the then Rules of Court, in *Appeal relating to the Jurisdiction of the ICAO Council*, *Nuclear Tests (Australia* v. *France)*, *Interim Protection*, and *Nuclear Tests (New Zealand* v. *France)*, *Interim Protection*.

[2] Sir Humphrey Waldock died on 15 August 1981. The functions of the Presidency were thereafter exercised by T. O. Elias as Acting President, by virtue of Article 13, paragraph 1, and Article 14 of the 1978 Rules of Court.

[3] Vice-President Elias was for a time Acting President in *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and in the proceedings relating to the Orders made on 20 January and 1 February 1982 in *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*.

[4] Judge Elias continued to act as President in *Continental Shelf (Libyan Arab Jamahiriya/Malta)* after 5 February 1985, by virtue of Article 32, paragraph 2, of the 1978 Rules of Court.

[5] Judge Ladreit de Lacharrière died on 10 March 1987. On 6 May 1987 the Court elected Judge Mbaye to be its Vice-President for the remainder of his predecessor's term.

* Sir Gerald Fitzmaurice	United Kingdom	1960-1973
* I. Forster	Senegal	1964-1982
* S. A. Golunsky	USSR	1952-1953
A. Gros	France	1964-1984
* J. G. Guerrero	El Salvador	1946-1958
* G. H. Hackworth	United States	1946-1961
* Hsu Mo	China	1946-1956
* L. Ignacio-Pinto	Benin	1970-1979
* P. C. Jessup	United States	1961-1970
E. Jiménez de Aréchaga	Uruguay	1970-1979
* H. Klaestad	Norway	1946-1961
F. I. Kojevnikov	USSR	1953-1961
* V. M. Koretsky	USSR	1961-1970
* S. B. Krylov	USSR	1946-1952
* G. Ladreit de Lacharrière	France	1982-1987
* Sir Hersch Lauterpacht	United Kingdom	1955-1960
* Sir Arnold McNair	United Kingdom	1946-1955
* G. Morelli	Italy	1961-1970
* L. M. Moreno Quintana	Argentina	1955-1964
* P. D. Morozov	USSR	1970-1985
H. Mosler	Federal Republic of Germany	1976-1985
* Nagendra Singh	India	1973-1988
C. D. Onyeama	Nigeria	1967-1976
* L. Padilla Nervo	Mexico	1964-1973
* S. Petrén	Sweden	1967-1976
* Sir Benegal Rau	India	1952-1953
* J. E. Read	Canada	1946-1958
J. Sette-Camara[1]	Brazil	1979-1988
* Sir Percy C. Spender	Australia	1958-1967
* J. Spiropoulos	Greece	1958-1967
* K. Tanaka	Japan	1961-1970
* S. Tarazi	Syria	1976-1980
* Sir Humphrey Waldock	United Kingdom	1973-1981
* V. K. Wellington Koo	China	1957-1967
* B. Winiarski	Poland	1946-1967

[1] In accordance with Article 13, paragraph 3, of the Statute and Article 17, paragraph 4, of the Rules of Court, Judge Sette-Camara continues to sit as President of the Chamber in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*.

* Sir Muhammad Zafrulla Khan	Pakistan	1954-1961 and 1964-1973
* M. Zoričić	Yugoslavia	1946-1958

II. Judges *Ad Hoc*

If in a case the Court, or a chamber of the Court, includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge; similarly, if the Court or the chamber includes upon the Bench no judge of the nationality of the parties, each of these parties may choose a judge (Statute, Art. 31; Rules, Arts. 7-8, Art. 17, para. 2, Arts. 35-37, Art. 91, para. 2, and Art. 102, para. 3). Should there be several parties in the same interest they are reckoned for this purpose as one party only (Statute, Art. 31, para. 5; Rules, Art. 36 and Art. 37, para. 2).

Since the institution of the Court, judges *ad hoc* have been chosen in the following cases (unless otherwise indicated, they held the nationality of the appointing party):

Corfu Channel (United Kingdom v. *Albania)*. Albania chose Mr. I. Daxner (Czechoslovakia), who sat upon the Bench when the preliminary objection was heard, and Mr. B. Ečer (Czechoslovakia), who sat when the case was heard on the merits and also for the assessment of amount of compensation.

Asylum (Colombia/Peru), Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case (Colombia v. *Peru)* and *Haya de la Torre (Colombia* v. *Peru)*. Mr. J. J. Caicedo Castilla was chosen by Colombia and Mr. L. Alayza y Paz Soldán by Peru.

Ambatielos (Greece v. *United Kingdom)*. Mr. J. Spiropoulos was chosen by Greece.

Anglo-Iranian Oil Co. (United Kingdom v. *Iran)*. Mr. K. Sandjabi was chosen by Iran.

Nottebohm (Liechtenstein v. *Guatemala)*. Mr. C. García Bauer[1] was chosen by Guatemala and Mr. P. Guggenheim (Switzerland) by Liechtenstein.

Monetary Gold Removed from Rome in 1943 (Italy v. *France, United Kingdom and United States of America)*. Mr. G. Morelli was chosen by Italy.

Right of Passage over Indian Territory (Portugal v. *India)*. Mr. M. Fernandes was chosen by Portugal and the Hon. M. A. C. Chagla by India.

Application of the Convention of 1902 Governing the Guardianship of

[1] The Government of Guatemala had first chosen as judge *ad hoc* Mr. J. C. Herrera and subsequently Mr. J. Matos.

Infants (Netherlands v. *Sweden)*. Mr. J. Offerhaus was chosen by the Netherlands and Mr. F. J. C. Sterzel by Sweden.

Interhandel (Switzerland v. *United States of America)*. Mr. P. Carry was chosen by Switzerland.

Aerial Incident of 27 July 1955 (Israel v. *Bulgaria)*. Mr. Justice Goitein was chosen by Israel and Mr. J. Žourek (Czechoslovakia) by Bulgaria.

Aerial Incident of 27 July 1955 (United States of America v. *Bulgaria)*[1]. Mr. J. Žourek (Czechoslovakia) was chosen by Bulgaria.

Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. *Nicaragua)*. Mr. R. Ago (Italy) was chosen by Honduras and Mr. F. Urrutia Holguín (Colombia) by Nicaragua.

Barcelona Traction, Light and Power Company, Limited (Belgium v. *Spain)*[1]. Mr. W. J. Ganshof van der Meersch was chosen by Belgium and Mr. F. de Castro by Spain.

South West Africa (Ethiopia v. *South Africa; Liberia* v. *South Africa)*. Sir Louis Mbanefo (Nigeria)[2] was chosen by Ethiopia and Liberia and the Hon. J. T. van Wyk by South Africa.

Northern Cameroons (Cameroon v. *United Kingdom)*. Mr. P. Beb a Don was chosen by Cameroon.

Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. *Spain)*. Belgium chose Mr. W. J. Ganshof van der Meersch, who sat upon the Bench when the preliminary objections were heard, and Mr. W. Riphagen (Netherlands), who sat in the second phase. Spain chose Mr. E. C. Armand-Ugon (Uruguay).

North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands). Mr. H. Mosler was chosen by the Federal Republic of Germany and Mr. M. Sørensen (Denmark) by Denmark and the Netherlands.

Appeal Relating to the Jurisdiction of the ICAO Council (India v. *Pakistan)*. Mr. Nagendra Singh was chosen by India.

Nuclear Tests (Australia v. *France)*. Sir Garfield Barwick was chosen by Australia.

Nuclear Tests (New Zealand v. *France)*. Sir Garfield Barwick (Australia) was chosen by New Zealand.

Trial of Pakistani Prisoners of War (Pakistan v. *India)*. Pakistan chose Sir Muhammad Zafrulla Khan, who sat in the proceedings on the request for interim measures up to 2 July 1973, and Mr. Muhammad Yaqub Ali Khan[3].

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[1] Case removed from the list before the Court had occasion to sit.

[2] The Governments of Ethiopia and Liberia had first chosen as judge *ad hoc* the Hon. J. Chesson, subsequently Sir Muhammad Zafrulla Khan and then Sir Adetokunboh A. Ademola.

[3] This case was removed from the list before the Court had occasion to hear argument on the question of its jurisdiction.

Western Sahara. Mr. A. Boni (Ivory Coast) was chosen by Morocco.

Aegean Sea Continental Shelf (Greece v. *Turkey).* Mr. M. Stassinopoulos was chosen by Greece.

Continental Shelf (Tunisia/Libyan Arab Jamahiriya). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya and Mr. J. Evensen (Norway) by Tunisia.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) (case referred to a Chamber). Mr. M. Cohen was chosen by Canada.

Continental Shelf (Libyan Arab Jamahiriya/Malta). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya. Mr. J. Castañeda (Mexico) was chosen by Malta and sat in the proceedings culminating in the Judgment on Italy's application for permission to intervene. Mr. N. Valticos (Greece) was chosen by Malta to sit when the case was heard on the merits.

Frontier Dispute (Burkina Faso/Republic of Mali) (case referred to a Chamber). Mr. F. Luchaire (France) was chosen by Burkina Faso and Mr. G. Abi-Saab (Egypt) by the Republic of Mali.

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America).* Mr. C.-A. Colliard (France) has been chosen by Nicaragua.

Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya).* Mrs. S. Bastid (France) was chosen by Tunisia and Mr. E. Jiménez de Aréchaga (Uruguay) by the Libyan Arab Jamahiriya.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras) (case referred to a Chamber). Mr. N. Valticos (Greece) has been chosen by El Salvador and Mr. M. Virally (France) by Honduras. Following the death of Mr. Virally[1], Mr. S. Torres Bernárdez (Spain) has been chosen by Honduras.

Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway).* Mr. P. H. Fischer has been chosen by Denmark.

Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal).* Mr. H. Thierry (France) has been chosen by Guinea-Bissau.

III. Chambers

1. Chamber of Summary Procedure

The Statute (Art. 29) provides that, with a view to the speedy despatch of business, the Court shall form annually a Chamber composed of five

[1] See *I.C.J. Yearbook 1988-1989*, p. 14.

judges which, at the request of the parties, may hear and determine cases by summary procedure. The Court also selects two judges for this Chamber for the purpose of replacing judges who find it impossible to sit. Under Article 15 of the Rules of Court, the President and Vice-President are members of this Chamber ex officio, the other members and the substitutes being elected. The Chamber of Summary Procedure has never as yet been called upon to meet.

On 6 February 1990 the Chamber of Summary Procedure was formed as follows: President Ruda; Vice-President Mbaye; Judges Sir Robert Jennings, Ni and Evensen, members; Judges Guillaume and Shahabuddeen, substitute members.

2. Chambers Formed under Article 26, Paragraph 2, of the Statute

The Statute (Art. 26, para. 2) provides that the Court may form a chamber for dealing with a particular case, the number of judges constituting such a chamber being determined by the Court with the approval of the parties.

By an Order of 8 May 1987 the Court, at the request of the Parties and pursuant to Article 26, paragraph 2, of the Statute, formed a Chamber to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*. The composition of this Chamber was as follows:

Judges J. Sette-Camara, *President*
S. Oda
Sir Robert Jennings
Judges *ad hoc* N. Valticos
M. Virally

After the death of Mr. Virally, the Agent of Honduras, by a letter dated 9 February 1989, informed the Court that his Government had chosen Mr. Santiago Torres Bernárdez to sit as Judge *ad hoc* in the place of Judge Virally. By an Order dated 13 December 1989 the Court took note of the death of Judge Virally and the nomination of Mr. Torres Bernárdez and of a number of communications from the Parties, noted that it appeared that El Salvador had no objection to the choice of Mr. Torres Bernárdez, and that no objection to that choice appeared to the Court itself, and declared the Chamber to be composed as follows: Judge Sette-Camara, President; Judges Oda and Sir Robert Jennings; Judges *ad hoc* Valticos and Torres Bernárdez.

3. Chambers Provided for in Article 26, Paragraph 1, of the Statute

The Statute (Art. 26, para. 1) provides also that the Court may from time to time form one or more chambers, composed of three or more judges, as the Court may determine, for dealing with particular categories

of cases: for example, labour cases and cases relating to transit and communications. Cases are heard and determined by these chambers if the parties so request.

The Court has not had occasion to apply the provisions of Article 26, paragraph 1, of the Statute.

In the recent past, the Court has considered the matter of the possible formation of a chamber to deal with environmental disputes. It took the view that it was not necessary to set up a standing special chamber, but emphasized that it was able to respond rapidly to requests for the constitution, pursuant to Article 26, paragraph 2, of the Statute, of a special chamber which could deal with any case, and therefore any environmental case.

4. Provisions in the Rules relating to Chambers

Articles 15-18 and 90-93 of the Rules of Court contain the provisions relating to chambers.

IV. Assessors

Article 30, paragraph 2, of the Statute and Article 9 of the Rules of Court provide that the Court may, either *proprio motu* or upon a request made not later than the closure of the written proceedings, decide, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it, without the right to vote. The chambers also have the power to appoint assessors.

These provisions have not been applied up to the present.

V. The Registrar

The Court appoints its Registrar (Statute, Art. 21, para. 2; Rules, Art. 22).

The present Registrar is Mr. Eduardo Valencia-Ospina (see Chap. V, pp. 117-118, below).

VI. Privileges and Immunities

Article 19 of the Statute provides: "The Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities."

In the Netherlands, pursuant to an exchange of correspondence between the President of the Court and the Minister for Foreign Affairs, dated 26 June 1946, they enjoy, in a general way, the same privileges, immunities, facilities and prerogatives as Heads of Diplomatic Missions accred-

ited to Her Majesty the Queen of the Netherlands (*I.C.J. Acts and Documents No. 5*, pp. 200-207). In addition, in accordance with the terms of a letter dated 26 February 1971 from the Minister for Foreign Affairs of the Netherlands, the President of the Court takes precedence over the Heads of Mission, including the Dean of the Diplomatic Corps, who is immediately followed by the Vice-President of the Court and thereafter the precedence proceeds alternately between Heads of Mission and the Members of the Court (*ibid.*, pp. 210-213).

By resolution 90 (1) of 11 December 1946 (*ibid.*, pp. 206-211), the General Assembly of the United Nations approved the agreement concluded with the Government of the Netherlands in June 1946 and recommended that "... if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there" and that "... judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys."

The same resolution contains also a recommendation calling upon Members of the United Nations to recognize and accept United Nations *laissez-passer* issued to the judges by the Court. Such *laissez-passer* have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations.

Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges "shall be free of all taxation".

CHAPTER II

BIOGRAPHIES OF JUDGES

Biographies of judges who held office in the period 1 August 1989 to 31 July 1990 will be found below.

I. Members of the Court on 31 July 1990

President José María Ruda

(Member of the Court since 6 February 1973; re-elected as from 6 February 1982; President since February 1988)

Born at Buenos Aires on 9 August 1924.

Doctor of Laws. Lawyer, Faculty of Law and Social Sciences, University of Buenos Aires (1949). Master of Law (in International Law), New York University (1955). Doctor of Laws *honoris causa* of the University of Punjab (1976), the Universidad Autónoma de Madrid (1990) and Peking University (1990).

Member of the Institute of International Law; Member of the International Law Association; Member of the Inter-American Institute of International Juridical Studies; Member of the Hispano-Luso-American Institute of International Law; Member of the International Institute of Space Law; Member of the Permanent Court of Arbitration; Member of the Curatorium of the Hague Academy of International Law.

Member of the Chamber formed by the Court to deal with the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*.

Professor of Public International Law at the Faculty of Law and Social Sciences of the University of Buenos Aires. Former Professor of Public International Law at the National Defence College. Visiting Professor at the Colegio de México: course on Argentine foreign policy in the twentieth century (August 1963). Lectures on reservations to treaties at the Hague Academy of International Law (1975).

Officer, Division of Codification of International Law of the Office of Legal Affairs of the United Nations Secretariat (1950-1955). Rapporteur of the Sixth Committee of the United Nations General Assembly at the seventeenth session of the United Nations General Assembly (1962); Chairman of the Committee at the eighteenth session (1963). Member of the International Law Commission of the United Nations (1964-1972); Chairman of the Commission (1968); observer for the Commission at the meeting of the Inter-American Juridical Committee (Rio de Janeiro, 1968); member of the Drafting Committee (1965, 1966, 1967 and 1970).

Counsellor, first class, at the Argentine Embassy in La Paz, Bolivia (1957-1959). Chef de Cabinet to the Minister for Foreign Affairs and Worship (1959-1961). Legal Counsel (1961-1965). Permanent Represen-

tative to the United Nations (1965-1970). Agent for the Argentine Republic before the arbitration tribunal in the *Río Encuentro* case (London, 1965-1968). Ambassador Extraordinary and Plenipotentiary. Under-Secretary for Foreign Affairs and Worship (1970-1973).

Representative at the 1959-1969 sessions of the United Nations General Assembly and Chairman of the Argentine delegation (1966-1969); delegate to the Eighth Meeting of Consultation of Ministers of Foreign Affairs (Punta del Este, 1962); representative at the United Nations Conference on Consular Relations and member of the Drafting Committee of the Convention on Consular Relations (Vienna, 1963); Chairman of the Argentine delegation to the Mixed Argentine-Bolivian Commission (1963); delegate to the Commission on River Traffic with Paraguay (1964); Chairman of the Argentine delegation to the Mixed Argentine-Uruguayan Commission on a comprehensive survey of the River Plate (1964-1966); delegate to the first extraordinary conference (Washington, 1964); representative in the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (New York, 1966 and 1968); representative at the United Nations Conference on the Law of Treaties (Vienna, 1968); representative in the United Nations *Ad Hoc* Committee on the Sea-Bed, Rio de Janeiro (1968), and in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction (1969-1970).

Author of numerous works and articles on public international law.

Judge Kéba MBAYE

(Member of the Court since 6 February 1982;
Vice-President since 6 May 1987)

Born on 5 August 1924 at Kaolack, Senegal.

Holder of the diploma of advanced studies in private law (Paris); holder of the certificate of the Ecole nationale de la France d'outre-mer (Magistrature Department).

Acting Deputy-Judge (1954-1958); Deputy to the Procureur de la République, St. Louis, Senegal (1958-1960).

Member of the Supreme Court of Senegal (1960) and its First President (1964-1982).

Honorary First President of the Supreme Court.

Lectured at the Faculty of Law of the University of Dakar and at the Ecole nationale d'administration of Senegal (1967-1978).

Former Chairman of the Commission on the Codification of the Law of Civil and Commercial Liabilities.

Doctor *honoris causa* of the Universities of Lille II and of Savoie (France) and Bhopal (India).

Has been a member of various United Nations bodies and has in particular participated as member and chairman in the work of the Commission on Human Rights, the Commission responsible for seeking

the settlement of any dispute between States Parties to the Convention against Discrimination in Education, the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and of the *Ad Hoc* Working Group of Experts to investigate violations of human rights in southern Africa; member of the ILO Committee of Experts.

Corresponding Member of the Académie royale des sciences d'outremer de Belgique; Member of the International Academy of Comparative Law and of the Institute of International Law; Member of the International Law Association.

Former President and Member of the International Committee on Comparative Law, of the International African Law Association, of the International Committee for Information and Documentation in the Social Sciences; Member of the Governing Board of the European Foundation for Human Rights; Member of the International Institute of Procedural Law; Vice-President of the International Institute of Humanitarian Law; Member of the Administrative Council of the International Penal Law Association, of the International Criminology Association and of the Société de législation comparée; Vice-Chairman of the Executive Committee of the International Institute of Human Rights (René Cassin Foundation); former Chairman of the International Commission of Jurists; Honorary President of the World Federation of United Nations Associations; President of the International Academy of Human Rights; Member of the Société française pour le droit international.

Was President of the Legal Sub-Commission of the OAU Commission of mediation in the border dispute between Upper Volta and Mali and a Member of the Permanent Court of Arbitration; was General Rapporteur at the OAU Conference which adopted the African Charter on Human and Peoples' Rights, and a member of the Arbitration Tribunal in the delimitation of the maritime boundary between Guinea and Guinea-Bissau (1983-1985).

Author of numerous publications concerning the law of Senegal, the law of black Africa, human rights in general, and in particular the right to development. Has given a course on Interest to Act before the International Court of Justice at the Hague Academy of International Law (1988).

Judge Manfred LACHS

(Member of the Court since 6 February 1967; re-elected as from 6 February 1976 and again as from 6 February 1985; President 1973-1976)

Born on 21 April 1914.

LL.M., *Dr. juris* and Laureate of Jurisprudence (1987) (Cracow); Doctor of the University of Nancy; D.Sc. (Law), University of Moscow; Doctor *honoris causa* of the Universities of Algiers, Brussels, Bucharest, Budapest, Delhi, London, New York, Nice, Sofia, Southampton, Helsinki, Vienna, and of Bridgeport University, Connecticut, Dalhousie

University, Halifax, N.S., Howard University, Washington, D.C., Simon Fraser University, Vancouver, B.C., State University of New York and the University of Silesia.

Member of the Polish Academy of Sciences; Director, Institute of Legal Sciences, Polish Academy of Sciences (1961-1966); Member and First Vice-President (1987-1989) of the Institute of International Law; Corresponding Member of the Institut de France (1980); Honorary Member, International Academy of Astronautics (1964); Corresponding Member of the Academy of Moral Sciences, Bologna (1966); Honorary Member of the Academia Mexicana de Derecho Internacional; Vice-President of the Curatorium of the Hague Academy of International Law; Foreign Member of the Dutch Society of Sciences (1982); Honorary Fellow, Institute of Social Studies, The Hague (1982). Member (1964-1980), Vice-Chairman (1978-1980) and Honorary Senior Fellow (1983), United Nations Institute for Training and Research; Distinguished Fellow of the Delian Institute of International Relations (Athens); Member of the International Advisory Panel on the Restatement of the Law, the Foreign Relations Law of the United States.

Member of the Arbitral Tribunal for the Interpretation of the Constitution of Unesco (1949); of the Permanent Court of Arbitration (since 1956); President of the Arbitration Tribunal on the Delimitation of the Maritime Frontier between Guinea and Guinea-Bissau (1983-1985); Member of the Chamber of the Court in the *Frontier Dispute (Burkina Faso/Republic of Mali)* case; Chairman of the United Nations Legal Sub-Committee on the Peaceful Uses of Outer Space (1962-1966); Member of the International Law Commission (1962-1966), Rapporteur 1962, Vice-Chairman 1966; Chairman, Sub-Committee of the International Law Commission on Succession of States and Governments (1963); Special Rapporteur on Succession of States and Governments, International Law Commission; Member of the International Civil Service Advisory Board of the United Nations (1958-1967); of the Special Committee on Procedures, United Nations Conference on Trade and Development (1964); Member, Independent Commission on International Humanitarian Issues, Geneva.

Chairman (1949, 1951, 1955) and Vice-Chairman (1952) of the Sixth Committee of the United Nations General Assembly. General Rapporteur of a colloquium of the International Association of Juridical Sciences, Rome (1958). Honorary Member of the American Society of International Law and of the Indian Society of International Law; Member of the Council, International Institute for Peace and Conflict Research, Stockholm (since 1965).

Award of the Polish Minister of Higher Education for educational achievements (1958); Gold Medal of the Union of Polish Students (1960); Award of the International Astronautical Federation and International Institute of Space Law (1962), and Gold Medal (1966), for "outstanding contributions to the development of the rule of law for outer space"; World Jurist Award of the World Peace through Law Center (1975); Netherlands Wateler Peace Prize (1976); Copernicus Medal of the Polish Academy of

Sciences; *Encyclopaedia Britannica* Award Laureate (1987); Grotius Prize (1987); First Prize for Scientific Achievements of the Polish Academy of Sciences (1988).

Professor in the Academy of Political Sciences, Warsaw (1949-1952); Professor of International Law in the University of Warsaw (since 1952); Member of the Codification Commission of Poland (1957-1964). Lectures at 25 universities in countries of Europe, Asia, Africa and North and South America. Röling Professor at the University of Groningen, Netherlands (1990).

Director of the Legal and Treaties Department of the Polish Ministry of Foreign Affairs (1947-1960); Legal Adviser to the Minister for Foreign Affairs (1960-1966); Minister Plenipotentiary (1959-1960); Ambassador (1960-1966); member, Polish delegation to the United Nations War Crimes Commission; Legal Adviser of the Polish delegation at the Paris Peace Conference (1946); member of the Polish delegation to the United Nations General Assembly (1946-1952, 1955-1960 and 1962-1964); Representative of Poland in the Disarmament Committee of the United Nations (1962-1964).

Principal publications: *War Crimes, An Attempt to Define the Issues*, London, 1945; *The Geneva Agreements on Indochina*, (in Polish) Warsaw, 1955, (in Russian) Moscow, 1956; "Le développement et les fonctions des traités multilatéraux" in the *Collected Courses* of the Academy of International Law, The Hague, 1957; *Multilateral Treaties* (in Polish), Warsaw, 1958, published also in Russian (Moscow, 1960), in Hungarian (Budapest, 1962) and in Spanish (by the Universidad Nacional Autónoma de México, 1962); *The Polish-German Frontier* (in English, French, German and Spanish), Warsaw, 1964, 2nd ed. 1965; "The International Law of Outer Space", in the *Collected Courses* of the Academy of International Law, The Hague, 1964; *The Law of Outer Space*, Leyden, 1972; in Spanish: *El Derecho del Espacio Ultraterrestre*, Mexico, Madrid, Buenos Aires, 1977; "The Development and General Trends of International Law in Our Time", General Course in Public International Law, *Collected Courses* of the Academy of International Law, The Hague, 1980; *The Teacher in International Law (Teachings and Teaching)* (awarded the certificate of the American Society of International Law, 1983), The Hague, 1982, 2nd ed. 1986; *Le monde de la pensée en droit international – Théories et pratique*, Paris, 1988; and 140 articles in 11 languages.

Judge Taslim Olawale ELIAS

(Member of the Court since 6 February 1976; re-elected as from 6 February 1985; Vice-President from February 1979; Acting President from August 1981 to February 1982; President 1982-1985)

Born on 11 November 1914.

B.A., LL.B., LL.M. and Ph.D. of the University of London (1944-1949). LL.D. of the University of London (1962). Called to the Bar at the Inner Temple (1947) of which he was a Yarborough Anderson Scholar. Queen's

Counsel (1961). Doctor of Laws *honoris causa* of Dakar (1962), Ahmadu Bello (1972), Ife (1974), Howard (1975), Jodhpur (1976), Hull (1980), Dalhousie (1983), Nairobi (1983), Manchester (1984), Buckingham (1986), Jos (1987) and Lagos State (1987) Universities; Doctor of Letters *honoris causa* of the Universities of Ibadan (1969), Nsukka (1973) and Lagos (1974); Doctor of Science (Econ.) *honoris causa*, London (1983).

Legal Counsel (1949-1960). Research Fellow at the Universities of Manchester (1951-1953) and Oxford (1954-1960). Governor of the School of Oriental and African Studies, University of London (1957-1960); Corresponding Member since 1970. Visiting Professor of Political Science at the University of Delhi (1956). Professor of Law and Dean of the Faculty of Law, Lagos University (1966-1972). Distinguished Fellow of the Delian Institute of International Relations, Athens (1986). Distinguished Emeritus Professor of the Lagos State University (1987). Gold Medallist of the University of Lagos (1987).

Attorney-General of Nigeria (1960-1972 except from January to October 1966). Minister of Justice (1960-1966) and Commissioner for Justice (1967-1972). Chief Justice of the Supreme Court of Nigeria (1972-1975). Chairman of the Advisory Judicial Committee (1972-1975).

Commander of the Federal Republic of Nigeria (CFR) (1963); Nigerian National Merit Award (NNMA) (1979); Grand Commander of the Order of the Niger (GCON) (1983).

Member (1961-1975), General Rapporteur (1965-1966) and Chairman (1970) of the United Nations International Law Commission. Leader of the Nigerian delegation to the Conference held to consider the Draft Convention on the Settlement of Investment Disputes between States and Nationals of other States (1963) and to the Special Committee on the Principles of International Law concerning Friendly Relations and Co-operation among States (1964). Chairman of the Committee of the Whole at the United Nations Conference on the Law of Treaties (Vienna, 1968 and 1969). Member of the United Nations Committee of Experts which drafted the Constitution of the Congo (1961 and 1962). Member of the Expert Committee which drafted the OAU Charter (1963) and Chairman of the Committee which drafted the Protocol of Mediation, Conciliation and Arbitration (1964).

Representative of the OAU and Nigeria before the International Court of Justice in the proceedings concerning the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*.

President of the Nigerian Society of International Law (since 1968). Member (1983) and Elected Honorary Member (1989) of the Institute of International Law. Member of the International Law Association (1965). Member of the Executive Council of the International Institute of Human Rights (1969). Member of the International Commission of Jurists (since 1961). President of the Asian-African Legal Consultative Committee (1972). Honorary Member of the American Society of International Law (since 1973). President of the World Association of Judges (since 1975)

under the auspices of the World Peace Through Law Center. Member of the Curatorium of the Hague Academy of International Law (since 1975). Honorary Fellow of the Nigerian Institute of Advanced Legal Studies, University of Lagos (1981). Honorary Member of the Society of Public Teachers of Law, United Kingdom (1981). Chairman of the Sixth Commonwealth Law Conference held in Lagos (1980). Vice-President of the World Bank Administrative Tribunal (1980-1981). President of the court for the final round of the Philip C. Jessup International Law Moot Court Competition (1981). Honorary Bencher of the Inner Temple (1982). Fellow of University College, London (1982). Titulary Member International Maritime Law Association (1982). Member of the Council of Management of the British Institute of International and Comparative Law (1983). Foreign Honorary Member of the American Academy of Arts and Sciences (1984). Associate Member of the International Academy of Comparative Law (1984). President of the World Association for International Relations (1984). President of the African Society of International and Comparative Law (1986). President of the African Association of International Law (1986). Member of the Permanent Court of Arbitration (1987). Member of the International Advisory Board of Freedom Internationale, England (1989).

Editor of the *Nigerian Law Journal* (1968-1973) and of the *Nigerian Annual* and the *Annual Proceedings of the Nigerian Society of International Law*. Member of Panel of Experts advising Managing Committee of the Noma Award for Publishing in Africa, administered by the African Book Publishing Record, Hans Zell Publishers Ltd., Oxford, England (1979); Member of the Editorial Advisory Board of the *Journal of Third World Legal Studies*, Washington University, St. Louis (1981); Member of the Editorial Board of the *Law Reports of the Commonwealth*, School of Oriental and African Studies, University of London (1985); Member of the Editorial Advisory Board of the *Denning Law Journal*, University of Buckingham (1985); Member of the Honorary Advisory Board of Editors, Law and Educational Publishers Ltd., Lagos (1986); Member of the Board of Editors of the *Journal of the African Society of International and Comparative Law* (1989) and of the *Modern Law Review*, London School of Economics (1989). Lecturer at the Hague Academy of International Law (on "Problems concerning the Validity of Treaties", *Recueil des cours*, 1971) and elsewhere.

Publications include: *Makers of Nigerian Law*, 1956; *The Impact of English Law upon Nigerian Customary Law*, 1960; *Nigerian Land Law*, 4th ed., 1962; *The Nature of African Customary Law*, 2nd ed., 1962 (translated into French and Russian); *British Colonial Law – A Comparative Study*, 1962; *Ghana and Sierra Leone: the Development of Their Laws and Constitutions*, 1962; *Government and Politics in Africa*, 2nd ed., 1963; *The Nigerian Legal System*, 1963; *Nigeria: the Development of Its Laws and Constitution*, 1967; *Africa and the Development of International Law*, 2nd rev. ed., 1988; *Law in a Developing Society*, 1973; *The Modern Law of Treaties*, 1974; *Judicial Process in Commonwealth Africa*, Lagon,

University of Ghana, 1976; *New Horizons in International Law*, 1979; *Africa before the World Court*, 1981; *The International Court of Justice and Some Contemporary Problems*, 1983; Inaugural lecture, Josephine Onoh Memorial Series on the subject of "New Trends in Contemporary International Law", University of Hull (1984); contributed to *Encyclopaedia of Public International Law*, No. 7 (1984): "History of the Law of Nations, Regional Development: Africa". Numerous articles in law journals.

Judge Shigeru ODA

(Member of the Court since 6 February 1976; re-elected as from 6 February 1985)

Born on 22 October 1924.

Law degree, University of Tokyo (1947). Doctor of Law (JSD), Yale University (1953). Doctor of Law, University of Tôhoku (1962). Doctor *honoris causa* of the Bhopal University, India (1980), and of the New York Law School (1981).

Research Fellow in international law, University of Tokyo (1947-1949). Lecturer (1950-1953), Assistant Professor (1953-1959) and Professor (1959-1976) at the University of Tôhoku. Professor Emeritus (1985). Technical Adviser to the Atomic Energy Commission (1961-1964) and to the Council for Marine Science and Technology in the Prime Minister's Office (1968-1971). Special Assistant to the Minister for Foreign Affairs (1973-1976). Member of the Science Council of the Ministry of Education (1969-1976), of the Council for Ocean Development in the Prime Minister's Office (1971-1976), and of the Advisory Committee for Co-operation with the United Nations University (1971-1976).

Delegate to the United Nations Conferences on the Law of the Sea (1958, 1960 and 1973-1975); member of the United Nations Group of Experts on Marine Science and Technology (1967-1968); Alternate Representative of Japan on the United Nations Committee on the Peaceful Uses of the Seabed and Ocean Floor (1968-1973); Legal Consultant to the ESCAP Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (1969, 1972 and 1975). Member of the panel of the International Atomic Energy Agency on the Legal Implications of the Disposal of Radio-active Waste into the Sea (1961-1963) and of the Agency's group of experts for the Study of the Character and Purpose of Appropriate Observation of Peaceful Nuclear Explosions (1970). Representative of Japan at the sixth General Conference of the Inter-Governmental Oceanographic Commission (1969); Chairman of the Working Group on Legal Questions related to Scientific Investigations of the Ocean (1968-1975). Alternate Member of the Asian-African Legal Consultative Committee (1971-1975).

Counsel for the Federal Republic of Germany before the International Court of Justice in the *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* cases (1968).

Member of the Executive Councils of the Japanese Society of International Law and of the Japanese branch of the International Law Association. Associate (1969) and Member (1979) of the Institute of International Law. Honorary Member of the American Society of International Law (1975).

Editor-in-chief of the *Japanese Annual of International Law* (1973-1977). Lecturer on the "International Law of the Resources of the Sea" at the Hague Academy of International Law (*Recueil des cours*, 1969).

Publications: in English – *International Control of Sea Resources*, reprinted edition with a new introduction, 1989; *The International Law of the Ocean Development* (4 vols.), 1972-1979; *The Law of the Sea in Our Time* (2 vols.), 1977; *International Law of the Resources of the Sea*, reprinted edition with supplement (1979); *The Practice of Japan in International Law 1961-1970* (edited with H. Owada), 1982; in Japanese – *International Law of the Sea* (1956, revised ed. 1969); *International Law of Marine Resources* (3 vols.), 1971-1975; *Judicial Decisions of the Japanese Courts involving International Law* (edited with T. Sogawa), 1978; *The Law of the Sea*, Vol. I, 1979; *The Law of the Sea: 25 Years of Recollections*, 1981; *Treaties and Conventions* (edited with Y. Ishimoto), 1983; *Commentary on the United Nations Convention on the Law of the Sea*, Vol. I, 1985; *The International Court of Justice*, 1987; *A Collection of Essays on the Law of the Sea*, 1989; and various articles on international law in English and in Japanese.

Judge Roberto AGO

(Judge *ad hoc* in the case concerning the *Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras* v. *Nicaragua)*; Member of the Court since 6 February 1979; re-elected as from 6 February 1988. President of the Chamber formed to deal with the case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*)

Born at Vigevano (Pavia) in 1907.

Doctor of Law and Doctor in Political Sciences (University of Naples). Doctor *honoris causa* of the Universities of Nancy, Nice, Paris II, Geneva and Toulouse.

Professor of International Law at the Universities of Catania (1934-1935) and of Genoa (1935-1938), at the State University of Milan (1938-1956) and finally at the University of Rome (1956-1982); Professor emeritus at the University of Rome (since 1983). Full Member of the Accademia Nazionale dei Lincei.

Member and subsequently Chairman of the United Nations International Law Commission.

Head of the Italian delegation to International Labour Conferences (1946-1978); Representative of the Italian Government on the ILO

Governing Body; Chairman of that Body (1954-1955 and 1967-1968), of its Government Group, and of its Committee on Freedom of Association. Member of the ILO Committee of Experts on Application of Conventions and Recommendations.

Delegate of Italian Government to numerous international conferences. Head of Italian delegation to United Nations Conferences on the Law of the Sea (1958, 1960), Diplomatic Relations (1961) and the Law of Treaties (1968, 1969); President of Conference on the Law of Treaties. Member of the Italian State delegation for the revision of the Lateran concordat and the negotiation of understandings with other confessions.

Counsel for the Italian and various other governments in cases before the Permanent Court of International Justice, the International Court of Justice and other international tribunals. Member of the Permanent Court of Arbitration. Member or President of various commissions of arbitration or conciliation. President of various arbitration tribunals, in particular the Franco-German tribunal on the Saar and that between France and the United States on the *Interpretation of the Air Transport Agreement* (1963).

Chairman of the Curatorium of the Hague Academy of International Law. Frequent lectures at that Academy, at the Graduate Institute of International Studies, Geneva, and at foreign universities and institutes.

Member of the Institute of International Law and various learned bodies. President of the Italian Society for International Organization. Honorary President of the World Federation of United Nations Associations.

Director and co-director of various Italian law reviews.

Author of numerous works and articles, including the following: *Teoria del diritto internazionale privato, Parte generale*, Padua, 1934; "La responsabilità indiretta nel diritto internazionale", *Archivio di diritto pubblico*, 1936; "Règles générales des conflits de lois", *Recueil des cours*, Hague Academy of International Law, 1936; "La regola del previo esaurimento dei ricorsi interni in tema di responsabilità internazionale", *Archivio di diritto pubblico*, 1938; "Le délit international", *Recueil des cours*, Hague Academy of International Law, 1939; *Lezioni di diritto internazionale*, Milan, 1943; *Scienza giuridica e diritto internazionale*, Milan, 1950; "Considerazioni su alcuni sviluppi dell'organizzazione internazionale", *La Comunità internazionale*, 1952; "Diritto positivo e diritto internazionale", *Communicazioni e Studi dell'Istituto di diritto internazionale e straniero dell'Università di Milano*, 1955, and in *Scritti in onore di Tomaso Perassi*, 1957; "Science juridique et droit international", *Recueil des cours*, Hague Academy of International Law, 1956; "La codification du droit international et les problèmes de sa réalisation", *Recueil d'études de droit international en hommage à Paul Guggenheim*, Geneva, 1969; "Droit des traités à la lumière de la Convention de Vienne", *Recueil des cours*, Hague Academy of International Law, 1971; "Caratteri generali della comunità internazionale e del suo diritto", Università degli Studi di Roma, *Lezioni dell'anno accademico 1974-1975*; "The Internationally Wrongful Act of the State, Source of International Responsibility", eight reports to the International Law Commission, 1969-1979; "Pluralism and the Origins of

the International Community", *Italian Yearbook of International Law*, 1977; "Studi sulla responsabilità internazionale", *Pubblicazioni della Facoltà di Giurisprudenza dell'Università di Camerino*, Vol. I, 1979; Vols. II and III, 1986; "Les premières collectivités interétatiques méditerranéennes", *Mélanges offerts à Paul Reuter. Le droit international: unité et diversité*, Paris, 1981; "The First International Communities in the Mediterranean World", *British Year Book of International Law*, 1982; "Le droit international dans la conception de Grotius", *Recueil des cours*, The Hague, 1983; "Positivism (International Law)", *Encyclopaedia of Public International Law*, ed. R. Bernhardt, Inst. Un., Amsterdam, 1985. "I quaranta anni delle Nazioni Unite", *La Comunità internazionale*, 1986; "Nouvelles réflexions sur la codification du droit international", *Mélanges offerts à Shabtai Rosenne*, Leiden, 1989; "Les avis consultatifs 'obligatoires' de la Cour internationale de Justice. Problème d'hier et d'aujourd'hui", *Mélanges à la mémoire de Michel Virally*, 1990.

Judge Stephen M. SCHWEBEL

(Member of the Court since 15 January 1981; re-elected as from 6 February 1988)

Born in New York City, on 10 March 1929.

Harvard University, B.A. *magna cum laude* with highest honours in government (1950); Cambridge University, studies in international law (1951); LL.B., Yale Law School (1954). Doctor *honoris causa*, Bhopal University, India (1982).

Admitted to the Bar of the State of New York (1955); of the Supreme Court of the United States (1965); and of the District of Columbia (1976).

Attorney, White & Case, New York (1954-1959).

Assistant Professor of Law, Harvard University (1959-1961).

Professor of International Law and subsequently Edward B. Burling Professor of International Law and Organization, the School of Advanced International Studies, The Johns Hopkins University, Washington, D.C. (1967-1981). Visiting lecturer or professor at Cambridge University (1957, 1983); the Australian National University (1969); the Hague Academy of International Law (1972); the Graduate Institute of International Studies, Geneva (1980); and at other universities or institutes in the United States and elsewhere.

Assistant Legal Adviser, Department of State (1961-1966); Special Assistant to the Assistant Secretary of State for International Organization Affairs (1966-1967); Consultant to the Department of State (1967-1973). Counselor on International Law, Department of State (1973-1974); Deputy Legal Adviser, Department of State (1974-1981).

Legal Adviser to the United States delegation, and Alternate Representative in the Sixth Committee, during sessions of the United Nations General Assembly (1961-1965). United States representative and chairman

of the United States delegation to various committees of the United Nations, including the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (1964); the Special Committee on the Question of Defining Aggression (1971); and the UNCTAD Working Group on a Charter of Economic Rights and Duties of States (1973-1974).

Member of the International Law Commission of the United Nations (1977-1981). Chairman of the Drafting Committee (1978); Special Rapporteur on the Law of the Non-Navigational Uses of International Watercourses (1977-1981).

Participated as Associate Representative, Representative, Counsel or Deputy Agent of the United States in various cases before the International Court of Justice (between 1962 and 1980). Member of the Board of Arbitration in *British Petroleum Company* v. *Iran and the National Iranian Oil Company* (1982-1985) and arbitrator or president in other international commercial arbitrations (1988-) .

Executive Vice-President and Executive Director of the American Society of International Law (1967-1973). Honorary Vice-President (1983-).

Member of the Board of Editors, *American Journal of International Law* (1967-1981). Chairman of the Editorial Advisory Committee, *International Legal Materials* (1967-1973).

Member of the Institute of International Law; the American Law Institute; the American Society of International Law; the American Branch of the International Law Association; the American Bar Association; and the Council on Foreign Relations. Honorary Member of the Indian Society of International Law. Member of the International Advisory Committee of the Cambridge University Research Centre in International Law.

Author of *The Secretary-General of the United Nations: His Political Powers and Practice*, 1952; *The Effectiveness of International Decisions*, 1971 (as editor); "Aggression, Intervention and Self-Defence in Modern International Law", *Recueil des cours*, Hague Academy of International Law, 1972; reports to the International Law Commission on the law of the non-navigational uses of international watercourses; *International Arbitration: Three Salient Problems* (1987); and some eighty articles, notes and book reviews in legal and other publications. Research and drafting assistant to United Nations Secretary-General Trygve Lie in the writing of *In the Cause of Peace*, 1954.

Judge Sir Robert Yewdall JENNINGS

(Member of the Court since 6 February 1982)

Born on 19 October 1913.

Studied at Cambridge University, obtaining the degrees of M.A. and LL.B., and subsequently at Harvard University (Choate Fellow, 1936-

1937). Honorary Doctor of Law, Universities of Hull (1987) and of Saarland (1988).

Assistant Lecturer in Law, London School of Economics (1938-1939). Lecturer (1946-1955) and subsequently Whewell Professor of International Law in the University of Cambridge (1955-1982). Reader in International Law to the Inns of Court Council of Legal Education (1959-1970).

Fellow (since 1939), Senior Tutor (1949-1955) and sometime President of Jesus College, Cambridge.

Called to the Bar of Lincoln's Inn (1943); Honorary Bencher of Lincoln's Inn (since 1970); Queen's Counsel (since 1969).

Counsel in the *Rio Encuentro*, *Beagle Channel*, Franco-British *Continental Shelf Delimitation* and Dubai-Sharjah *Frontier Delimitation* arbitrations; appeared as Counsel before the Court in the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* case.

Sometime legal consultant to a number of Governments (Argentina, Bangladesh, Brunei, Canada, Sudan, Venezuela, Sharjah, etc.).

Judge *ad hoc*, European Court of Human Rights, in *X* v. *United Kingdom* (1982).

Member of the Permanent Court of Arbitration (since 1982).

Public International Law Editor of the *International and Comparative Law Quarterly* (1957-1959). Editor of the *British Year Book of International Law* (1959), first with Sir Humphrey Waldock, and then as senior editor from 1974 to 1982.

Associate (1957), Member (1967), Vice-President (1979), President (1981) and Honorary Member (1985) of the Institute of International Law. Honorary Life Member of the American Society of International Law.

Gave the general course on principles of international law at the Hague Academy of International Law (1967).

Author of various books, articles and monographs.

Judge Mohammed BEDJAOUI

(Member of the Court since 19 March 1982; re-elected as from 6 February 1988; President of the Chamber formed to deal with the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*)

Born at Sidi-Bel-Abbes, Algeria, on 21 September 1929.

Doctor of Law. Diploma of the Institute of Political Studies (University of Grenoble).

"Avocat stagiaire" at the Court of Appeal of Grenoble (1951-1953). Research Assistant at the Centre national de la recherche scientifique (CNRS), France (1956-1958).

Legal Adviser to the Provisional Government of the Republic of Algeria (1958-1961) and as such participated in the independence negotiations at Evian and Lugrin.

Executive Secretary to the President of the National Constituent

Assembly at Algiers (1962). Secretary-General of the Government (1962-1964).

Dean of the Faculty of Law and Economics of the University of Algiers (1964-1965).

Minister of Justice and Keeper of the Seals (1964-1970).

Algerian Ambassador to France (1970-1979). Permanent delegate of Algeria to Unesco (1971-1979). Ambassador and Permanent Representative of Algeria to the United Nations in New York (1979-1982).

Co-President of the United Nations Commission of Enquiry to Iran (February-March 1980). Vice-President of the United Nations Council for Namibia (1979-1982). Chairman of the Group of 77 (1981-1982). Chairman of the Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Member of the Arbitration Tribunal in the delimitation of the maritime boundary between Guinea and Guinea-Bissau (1983-1985) and of the Arbitration Tribunal for the delimitation of the maritime boundary between Guinea-Bissau and Senegal (1985-). Arbitrator or President in several international commercial arbitrations.

Participated in various sessions of the United Nations General Assembly as member, deputy-head or head of the Algerian delegation. Head of the Algerian delegations to the United Nations Conferences on Succession of States in Respect of Treaties (1977) and the Law of the Sea (1976-1980). United Nations Consultant Expert at the Vienna Conference on Succession of States in respect of State Property, Archives and Debts (1983).

Took part in various sessions of the OAU Council of Ministers and OAU Summit Meetings, and in various ministerial meetings or conferences of heads of State and government of the non-aligned countries, as member, deputy-head or head of the Algerian delegation.

Member of the International Law Commission (1965-1982).

Member of the Institute of International Law. Member of the French Society for International Law. Member of the Scientific Council of the Institut du droit économique de la mer of the Principality of Monaco. Member of the Governing Board of the Foundation for International Studies of the University of Malta, Valletta.

Author of numerous works and articles.

Judge Ni Zhengyu

(Member of the Court since 6 February 1985)

Born in Jiangsu, China, 28 July 1906.

Bachelor of Arts (Chitz University, Shanghai); Bachelor of Laws (Soochow University Law School, Shanghai); Juris Doctor (Stanford University); Honorary Scholar (Johns Hopkins University); Doctor of Laws *honoris causa* (Osmania University, India).

Lecturer on Public International Law, Private International Law, Comparative Law, Civil Law, Civil Procedure, Judicial Organization, etc., at Soochow University Law School (Shanghai), the Great China University (Shanghai), the China Public Institute (Woosung), Chitz University (Shanghai), Chaoyang Law College (Chongqing), Soochow-Shanghai Union College of Law and Commerce (Chongqing), 1930-1945.

Professor of Law and concurrently Dean of the Law Faculty and Dean of Studies, Soochow University Law School, 1948-1954.

Member, Shanghai Bar Association since 1931.

Member, International Prosecution Section, International Military Tribunal for the Far East (1946-1948).

Legal Counsel, Ambassador, Ministry of Foreign Affairs of the People's Republic of China (1956-1984). Legal Counsel of Chinese Delegation to the twenty-seventh session of the United Nations General Assembly (1972). Legal Counsel of Chinese Delegation to the United Nations Sea-bed Committee (1972-1973). Legal Counsel of Chinese Delegation to the Third Conference on the Law of the Sea (in Caracas, 1974; Geneva, 1975; New York, 1977; New York and Geneva, 1981 and 1982). Chinese Language Co-ordinator in the Drafting Committee of the Third Conference on the Law of the Sea (New York and Geneva, 1981 and 1982).

Member, Board of Directors, Chinese Society of International Law (1980-).

Member, United Nations International Law Commission (1982-1984).

Member, National Committee of the Chinese People's Consultative Council (1959-1984).

Honorary President of the Board of Directors, Chinese Society of Oceanography (1985-).

Author of many works and articles on international law and related subjects.

Judge Jens EVENSEN

(Judge *ad hoc* in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*; Member of the Court since 6 February 1985)

Born at Oslo, Norway, on 5 November 1917.

Law degree, University of Oslo (1942); Studies abroad: Postgraduate studies at Minnesota Law School and Columbia Law School (1947); Harvard Law School (1952-1953); Doctor of Laws, Harvard University. Honorary Doctorate at the Heriot-Watt University, Edinburgh, Scotland.

Police Inspector and Public Prosecutor in *High Treason* cases, Oslo (1945-1946). Advocate, Supreme Court (1951). Law practice including period as Deputy Solicitor-General (1949-1961). Lecturer at the Law Faculty of the University of Oslo (1945-1973). Legal Adviser to the Norwegian Broadcasting Corporation. Delegate to the European Broadcasting Union (EBU).

Director-General of the Legal Department, Ministry of Foreign Affairs (1961-1973); Ambassador for negotiating the trade agreement with the European Communities (1972). Ambassador, International Law Adviser to the Ministry of Foreign Affairs (1979-1985).

Chairman of the Norwegian Commission on Maritime Limits (1961-1984); Chairman of the Norwegian Petroleum Council (1965-1979) and various other Norwegian governmental committees.

Legal Counsel for Norway before the International Court of Justice in the *Fisheries (United Kingdom* v. *Norway)* case (1949-1951) and *Certain Norwegian Loans (France* v. *Norway)* case (1955-1957); Counsel of Norway in the advisory case concerning *Certain Expenses of the United Nations* (1961-1962); Agent and Counsel of Norway before the European Commission of Human Rights (1962-1963; 1967-1969) and various international tribunals including the United States Court of Claims acting as an International Arbitral Tribunal.

Minister of Commerce and Shipping (1973-1974).

Minister for the Law of the Sea (1974-1978).

Head of the Norwegian delegation to the Third United Nations Conference on the Law of the Sea (1973-1982), one of the Vice-Presidents of the Conference. Chairman of the Norwegian delegation to the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea (1983-1985). Representative of Norway to the Sixth Committee of the General Assembly of the United Nations. Head of the Norwegian delegation to the United Nations Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction; Vice-Chairman of the Committee (1968-1973).

Member of the United Nations International Law Commission (1979-1984); Special Rapporteur on the Law of the Non-Navigational Uses of International Watercourses (1982-1985).

Member of the Permanent Court of Arbitration (since 1978). Member of the Norwegian-Icelandic Conciliation Commission established according to the Agreement of 28 May 1981 for the Delimitation of the Continental Shelf between Iceland and Jan Mayen. Associate Member of the Institut de droit international (since 1971).

Lectures on "Aspects of International Law relating to Modern Radio Communications", *Collected Courses*, Academy of International Law, The Hague (1965). Lectures during the extramural session of the Academy of International Law (Brasilia, 1983) on "The United Nations Convention on the Law of the Sea of 10 December 1982". Lectures on "International Law and Nuclear Weapons" at the twelfth conference of the World Peace through Law Center (Berlin, 1985). Lectures on "Working Methods and Procedures in the Third United Nations Conference on the Law of the Sea", *Collected Courses*, Academy of International Law, The Hague (1986).

Author of several books and articles on disarmament, international telecommunications and the law of the sea.

Judge Nikolai Konstantinovitch TARASSOV

(Member of the Court since 9 December 1985; re-elected as from 6 February 1988)

Born at Moscow on 2 October 1923.

Graduated from the Law Faculty of Moscow State University. Post-graduate studies at the same University.

Consultant to the Legal Department of the Presidium of the Supreme Soviet of the USSR (1949-1953).

Head of secretariat for the Secretary of the Presidium of the Supreme Soviet of the USSR (1953-1956).

Counsellor, Embassy of the USSR in Iran (1956-1961).

Head of section, Deputy Head of Department, and Head of Department in the Ministry of Foreign Affairs of the USSR (1961-1968).

Deputy Permanent Representative of the USSR to the United Nations, New York (1968-1972).

Ambassador of the USSR to Mexico (1972-1976).

From 1976 to his election to the Court, Principal Counsellor, Department of Foreign Policy Planning, Ministry of Foreign Affairs of the USSR.

Representative of the USSR to numerous United Nations bodies (Commission on Human Rights, 1968-1972; Committee for sanctions against Southern Rhodesia).

Member of the USSR delegation to several sessions of the United Nations General Assembly (twenty-third to twenty-sixth ordinary sessions; fifth special session on South West Africa, 1967; fifth emergency special session on Arab-Israeli Conflict, 1967).

In his personal capacity, member of the Committee for the Elimination of Racial Discrimination and member of the International Civil Service Advisory Board (1970-1972).

Head of USSR delegation to the Vienna talks on mutual force and armaments reductions and related measures in Central Europe (1976-1981) and at the seminar on economic, scientific and cultural co-operation in the Mediterranean (1984).

Member of the Soviet International Law Association.

Judge Gilbert GUILLAUME

(Member of the Court since 14 September 1987)

Born at Bois-Colombes, France, on 4 December 1930.

Licence (Bachelor's degree) in law, University of Paris. Diplôme from the Paris Institute of Political Studies; Diplôme d'études supérieures d'économie politique et de science économique (Diploma of advanced studies in political economy and economic science), University of Paris.

Alumnus of the Ecole nationale d'administration.

Member of the Council of State, as Auditeur (1957), then Maître des Requêtes (1963), and most recently Councillor of State (1981).

Legal Adviser to the State Secretariat for Civil Aviation (1968-1979); French Representative on the Legal Committee of the International Civil Aviation Organization (ICAO) (1968-1979) and Chairman of the Committee (1971-1975); French Representative on the Legal Commission to the ICAO Assembly (1968, 1971, 1974 and 1977); delegate to the diplomatic conferences on the suppression of the unlawful seizure of aircraft (The Hague, 1970), the suppression of unlawful acts against the safety of civil aircraft (Montreal, 1971) and air safety (Rome, 1973); President of the Diplomatic Conference on the Liability of the Carrier (Montreal, 1975); Head of the French delegations to the diplomatic conferences on the liability of the carrier vis-à-vis third parties (Montreal, 1978) and the non-use of force against civil aircraft (Montreal, 1984).

Chairman of the Conciliation Commission, Organisation for Economic Co-operation and Development (1973-1978); Member of the European Space Agency Appeals Board (1975-1978); Director of Legal Affairs, Organisation for Economic Co-operation and Development (1979).

Director of Legal Affairs, Ministry of Foreign Affairs (1979-1987).

Counsel for France in the arbitration proceedings between France and the United States over the Franco-American air agreement (1978); Agent for France in the arbitration proceedings between France and Canada over the Franco-Canadian fisheries agreement (1986); Agent for France in numerous cases before the Court of Justice of the European Communities and the European Commission and Court of Human Rights. French Representative on the Central Commission for the Navigation of the Rhine (1979-1987); Chairman of the Commission (1981-1982); French Representative on the Asian-African Legal Consultative Committee (1980-1987).

French delegate to the General Assembly of the United Nations (Sixth Committee) (1982-1987); Head of the French delegation to the Third United Nations Conference on the Law of the Sea (1982), the United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Vienna, 1983) and the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations (Vienna, 1986).

Member of the Permanent Court of Arbitration (since 1980). Designated arbitrator by the International Civil Aviation Organization, the International Chamber of Commerce, the Kuala Lumpur Regional Centre for Commercial Arbitration, the Cairo Regional Centre for Arbitration – the two latter bodies established under the auspices of the Afro-Asian Legal Committee – and the International Centre for the Settlement of Investment Disputes (ICSID).

Professor at the Institute of Political Studies, University of Paris. Lecturer at the Institute of Advanced International Studies, University of Paris, the Ecole nationale d'administration, the National College of Civil Aviation and the National College of Bridge and Highway Construction.

President of the French branch of the International Law Association (ILA). Vice-President of the French Society for International Law. Honorary Chairman of the French Society for Air and Space Law. Member of the International Institute of Law of the French-speaking Countries (IDEF). Member of the International Institute of Space Law. Member of the Académie de marine. Member of the Scientific Board of the *Revue générale de droit international public*. Chairman of the Board of Directors of the *Revue française de droit aérien et spatial*.

Author of numerous works and articles. Has given a course on "Terrorism and International Law" at the Hague Academy of International Law ("Terrorisme et droit international", *Recueil des cours*, 1989).

Judge Mohamed SHAHABUDDEEN

(Member of the Court since 6 February 1988)

Born at Vreed-en-Hoop, Demerara, Guyana, on 7 October 1931.

Bar Finals, London Inns of Court (1952). Called to the Bar, Middle Temple, London (1954). Queen's Counsel (1966). London University degrees – LL.B., B.Sc. (Econ.), LL.M., Ph.D., LL.D.

Private practice (1954-1959) followed by public legal service. Magistrate (1959). Crown Counsel (1959-1962). Solicitor General (1962-1973). Attorney General (1973-1987). Minister of Justice (1978-1987). Other ministerial appointments, including Acting Foreign Minister from time to time (1980-1987).

Member of various Guyana delegations on bilateral missions to other countries (1962-1987). Also member of various Guyana delegations to other international meetings, including: United Nations General Assembly (1972); United Nations Conference on Succession of States in respect of Treaties, Vienna (1977); Commonwealth Heads of Government Meetings, Lusaka (1979), Melbourne (1981), New Delhi (1983), Nassau (1985) and Vancouver (1987); the Cancun North/South Summit (1981); the General Assembly of the Organization of American States, St. Lucia (1981); Meetings of Ministers of Foreign Affairs of Non-Aligned Countries, Georgetown (1972) and New Delhi (1981); Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, Algiers (1981); the Conference of Heads of State or Government of Non-Aligned Countries, New Delhi (1983); the Commonwealth Caribbean Heads of Government Meetings, Ocho Rios (1982), Port of Spain (1983), Nassau (1984), Georgetown (1986) and St. Lucia (1987); the Commonwealth Law Ministers Meetings at Lagos (1975), Barbados (1980), Sri Lanka (1983) and Harare (1986); and the Commonwealth Law Conference, Hong Kong (1983).

Member of the Board of Governors of the University of Guyana (1963-1965). Member of the Council of Legal Education of the Common-

wealth Caribbean (1973-1987). Member of the Commonwealth Association of Legislative Counsel.

Cacique's Crown of Honour (CCH) (1970); Order of Roraima (OR) (1980); Order of Excellence (OE) (1988).

Author of various books and articles.

Judge Raghunandan Swarup PATHAK

(Member of the Court since 18 April 1989)

Born at Bareilly (U.P.), India, on 25 November 1924.

Educated Allahabad University; B.Sc. (1945), LL.B. (1947), M.A. (Political Science) (1948), Diploma of Proficiency in the French and German languages (1946), Sastri Medal in International Law. LL.D. *(honoris causa)*, Agra University and Punjab University; D.Litt. *(honoris causa)*, Kashi Vidhyapeeth, Varanasi.

Enrolled as Advocate in the Allahabad High Court (1948); in the Supreme Court of India (1957); Additional Judge (1962-1963) and Judge (1963-1972) of the Allahabad High Court; Chief Justice of the Himachal Pradesh High Court (1972-1978); Judge, Supreme Court of India (1978-1986); Chief Justice of India (1986-1989).

Honorary Bencher, Gray's Inn, London; President, Indian Law Institute; President, Indian Society of International Law; President, International Law Association (Regional Branch) India; Editor-in-Chief, *Indian Journal of International Law*; Chairman, All India University Professors' International Law Research Group, since 1969; Member of the International Committee on Space Law and of the Committee on the Enforcement of Human Rights, International Law Association, London; Member, Advisory Board, United Nations University Project: "International Law, Common Patrimony and Intergenerational Equity", The Hague (1984), Rio de Janeiro (1985), Strasbourg (1986), Goa (1988); Chairman, World Congress on Law and Medicine, New Delhi (1985); Member of Chief Justices' International Panel on Genetic Technology, Thirteenth Conference on Law of the World, Seoul (1987); Member, Editorial Board, *Journal of Contemporary Health Law and Policy* (Catholic University Law School, Washington, D.C.); Member, Board of Patrons of the Journal *Intellectual Property in Asia and the Pacific*, Geneva; Honorary President, World Peace Through Law Center, Washington, D.C.; President, Indian Council of Legal Aid and Advice; Patron-in-Chief, Committee for Implementing Legal Aid Schemes; Pro-Chancellor, University of Delhi; Visitor, National Law School of India, Bangalore; and President, India International Rural Cultural Centre.

Has participated in Indo-Soviet International Law Conferences, Delhi (1978), Moscow (1983), Delhi (1985), Moscow (1987); Indo-FRG International Law Colloquia, Delhi (1983), Heidelberg (1984); Fourth International Appellate Judges' Conference and the Third Commonwealth Chief Justices' Conference, Kuala Lumpur (1987); Conference of Chief Justices,

San Francisco (1987), and Fourth International Conference on "Law of Computers", Rome (1988); Conference on Constitutionalism, Harvard Law School, Cambridge, Massachusetts (1989); International Congress on Environmental Law, Rome (1989); Indo-British Legal Forum, London; Fourteenth World Congress in Philosophy of Law and Social Philosophy, Edinburgh (1989).

Delivered CHEC lecture (1988) on "Human Rights and the Development of the Environmental Law in India" at the British Institute of International and Comparative Law and the Commonwealth Human Ecology Council, London, and the introductory address at the opening ceremony of the Colloquy on "The University of Human Rights in a Pluralistic World", Fortieth Anniversary Celebrations of the Council of Europe, Strasbourg (1989); Distinguished Visiting Professor, Institute of Advanced Studies in the Humanities, Edinburgh (1990).

Has published research papers on "Diplomatic and Territorial Asylum", "The Progressive Development and Codification of International Law", "Human Rights", "The Sources of International Law", "The International Law Commission", "The Functioning of International Law in the International System", "International Law and the Struggle for Peace", "The Law of the Sea", and other subjects. Lectures under preparation: Dr. Radha Binode Pal Memorial Lecture (Calcutta) on "International Law of State Responsibility", Jawaharlal Nehru Memorial Lectures, Banaras Hindu University (India), on "Science, Technology and International Law"; International Institute of Human Rights, Strasbourg, on "The Philosophy, Nature and Application of Human Rights".

II. Member of the Court Maintained in a Particular Case after the Expiry of His Term of Office

Judge José Sette-Camara

(Member of the Court since 6 February 1979; Vice-President 1982-1985; continued to sit after 5 February 1988 as President of the Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*)

Born in Alfenas, State of Minas Gerais, Brazil, on 14 April 1920.

LL.B., Law School of the University of Minas Gerais.

Master in Civil Law, McGill University, Montreal, Canada.

Member of the Brazilian Society of International Law. Member of the Institute of International Law.

Entered the Brazilian diplomatic service in 1945. Permanent Representative in Geneva (1960-1961). Ambassador to Canada (1961). Ambassador to Switzerland (1963-1964). Permanent Representative to the United Nations (1964-1968). Ambassador to Czechoslovakia (1972-1979).

Head of the Brazilian delegation to the nineteenth, twentieth and twenty-first sessions of the General Assembly. Representative in the Security Council (1964 and 1967-1969). Delegate to the Sixth Committee of the General Assembly (1970-1978).

Elected Member of the International Law Commission to complete Gilberto Amado's mandate (1970). Elected Member of the International Law Commission by the General Assembly for the periods 1971-1976 and 1977-1982. General Rapporteur, Vice-Chairman and Chairman of the International Law Commission.

President of the United Nations Conference on the Representation of States in their Relations with International Organizations, Vienna (1975). Head of the Brazilian delegation to the United Nations Conference on Succession of States in Respect of Treaties.

Author of various publications on international law and international problems, including: *The Ratification of International Treaties*, 1949; "A Doutrina Larreta", *Boletim da Sociedade Brasileira de Direito Internacional*, 1946; "Hans Kelsen e os Fundamentos do Direito Internacional", *Boletim da Sociedade Brasileira de Direito Internacional*, 1947; "United Nations and International Law Making: the Vienna Convention on the Representation of States in Their Relations with International Organizations", *UN Law/Fundamental Rights*, edited by Antonio Cassese, 1979. "Pollution of International Rivers" in the *Recueil des cours* of the Academy of International Law, The Hague, 1984; "The International Law Commission: Discourse on Method", *International Law at the Time of Its Codification. Essays in Honour of Roberto Ago*, Milan, 1987.

III. Judges *Ad Hoc*

Judge *ad hoc* Claude-Albert Colliard

(Judge *ad hoc* in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*)

Born in Marseilles, 14 July 1913.

Doctor of Laws in 1938, *Licencié* (Bachelor) in Arts.

Agrégé of the Faculties of Law (public law) (1945).

Professor of international law at the Faculty of Law of Grenoble in 1946; Dean of that faculty (1952-1955, 1955-1958, 1958-1959).

Professor at the Faculty of Law and Economic Science of Paris (1959-1971). Dean's Assessor (1967-1971). Professor at the Université de Paris I (Panthéon-Sorbonne) (from 1971 onwards). Director of the Department (UER) "Développement, études internationales et comparatives" (1971-1982). Professor Emeritus of the Université de Paris I. Honorary Dean. Director of the Centre d'études et de recherches de droit international of Paris I. Professor at the Institute of Political Studies in Paris.

Member of the Institute of International Law. Member of the Société française pour le droit international. Member of the Académie astronautique internationale. Vice-Chairman of the International Association of Constitutional Law. Honorary doctorates from the Universities of Lodz (Poland), Fribourg (Switzerland) and Belgrade (Yugoslavia).

Various teaching posts (as guest professor) at foreign universities: Algeria, Morocco, Tunisia, Cameroon, Madagascar, Egypt, Turkey, Yugoslavia, Romania, Czechoslovakia, Poland, the United Kingdom, Canada, Mexico, Chile, Belgium and Iran. Took part in numerous colloquia, seminars and scientific meetings in Algeria, Egypt, Yugoslavia, Czechoslovakia, the USSR, Poland, Mexico, Chile, Canada.

Gave courses at the Hague Academy of International Law: International Rivers (1968); General Course on Public International Law (1976).

Chairman of the jury d'agrégation de droit public (1974). Chairman of the jury for the admission to the Ecole nationale d'administration (1981).

Member of the French delegation to the United Nations General Assembly (1953 and 1954) Sixth Committee. Member of the French delegation to the Third Conference on the Law of the Sea (1981 and 1982). French representative (head of delegation) on the United Nations Commission on Human Rights (1982, 1983, 1984, 1985 and 1986). Member of the Committee of Independent Experts set up by Unesco in 1972 on the problems of audio-visual communications. A consultant to OECD (1976 and 1977).

Member of the group of 11 legal experts of Intelsat to settle disputes (elected in 1976 and again in 1978, 1980 and 1983). Chairman of this group (1985).

Appeared before the Court as Counsel in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, and in the case concerning the *Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the* Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya)*.

Author of several works on public international law and public municipal law, in particular: *Institutions des relations internationales*, 9th edition, 1990 (translated into Spanish and Russian). *Libertés publiques*, 7th edition, 1989. Author of more than one hundred articles on international law, European law, administrative law, constitutional law and financial law.

Judge *ad hoc* Nicolas VALTICOS

(Judge *ad hoc* in the case, referred to a Chamber, concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*)

Born on 8 April 1918 (Greek nationality).

Studied law at the Faculty of Law of the University of Paris. First degree in law (1939). Ph.D. in law (doctorat d'Etat, mention très bien)

(1948). Faculty prize and Dupin senior prize awarded by the Paris Faculty of Law for doctoral thesis (1948-1949).

Barrister at Law in Athens, 1941.

Chief of Section at the Commission administering relief in Greece (under the auspices of the International Committee of the Red Cross) (1942-1945).

Joined the International Labour Office in 1949. In 1955 appointed Chief of the Application of Conference Decisions Division. In 1964 appointed Chief of the International Labour Standards Department. From 1976 to 1981 Assistant Director-General, Adviser for International Labour Standards.

Member and Chairman of various international arbitral tribunals and commissions of enquiry.

Judge *ad hoc* in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

Associate Professor at the Faculty of Law of the University of Geneva (1972-1981).

Member of the Institute of International Law, Secretary-General since 1981. Member of the Permanent Court of Arbitration.

Doctor *honoris causa* of the Universities of Utrecht (Netherlands), Leuven (Belgium), Athens (Greece) and Neuchâtel (Switzerland).

Member of the Academy of Athens.

Award of the Professorship Henri Rolin of international law (Belgium) for 1979-1980.

Member of the American Society of International Law. Member of the Société française pour le droit international, of the International Law Association and of the Greek Society of International Law. Honorary Member of the Council of the International Institute of Human Rights.

Has given many lectures, in particular at the Hague Academy of International Law (twice), at the International Institute of Human Rights (Strasbourg), at the International Seminar for Diplomats (Salzburg, Austria), at the Institute of High International Studies (Paris), at the Graduate Institute of High International Studies (Geneva), and at various universities and societies in Belgium, France, Greece, Italy, Japan, Poland, Romania, Switzerland, the United Arab Emirates, the United States.

Has published over 120 studies, articles and books on questions of international law, human rights, civil law and labour law.

Judge *ad hoc* Paul Henning FISCHER

(Judge *ad hoc* in the case concerning *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark* v. *Norway)*)

Born on 24 March 1919.

Bachelor of Laws (1943), Doctor of Laws, University of Copenhagen (1957).

Assistant Professor of Public International Law, University of Copenhagen (1948-1952).

Attaché of the Danish Legation, Stockholm (1944); Secretary and Head of Section, Ministry of Foreign Affairs, Copenhagen (1946); Secretary of Legation, The Hague (1952); Head of Section, subsequently Head of Division and Deputy Under-Secretary, Ministry of Foreign Affairs (1955); Ambassador to Warsaw, in addition accredited to Bucharest and Sofia (1960); Permanent Under-Secretary of State for Foreign Affairs (1961); Ambassador to Paris (1971); Ambassador to Bonn (1980-1989).

Alternate Representative, Danish delegation to the fourteenth session of the General Assembly of the United Nations (1959); Alternate Representative, Danish delegation to the fifteenth session of the General Assembly of the United Nations (1960).

Conciliator under the Vienna Convention on the Law of Treaties (1981); Member of the Permanent Court of Arbitration (1982).

Publications: "European Coal and Steel Community, International Law Studies on International Co-operation" and several publications on legal and international subjects.

Decorations: Grand Cross of the Order of Dannebrog and several foreign Grand Crosses.

Judge *ad hoc* Santiago TORRES BERNÁRDEZ

(Judge *ad hoc* in the case, referred to a Chamber, concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*)

Born in Vigo (Spain) on 18 November 1929.

Awarded the *Gran Cruz del Mérito Civil* (1987).

Licenciado (1952) and Doctor of Law (1959) of the University of Valladolid (Spain). *Diplomé d'études supérieures européennes* (1955) and Doctor of Law (1957) of the University of Saar (Federal Republic of Germany). Member of the Bar of Madrid. Adviser in questions relating to the peaceful settlement of international disputes.

Member of the Permanent Court of Arbitration. Member of the Institute of International Law.

Former Registrar of the International Court of Justice (1980-1986). Former Deputy Director of the Codification Division at the Office of Legal Affairs of the United Nations Organization and Deputy Secretary of the International Law Commission, as well as of diplomatic plenipotentiary conferences on codification and progressive development of international law.

Professor of the Instituto Universitario Ortega y Gasset (Madrid). Former Director of Studies at the Centre for Studies and Research of the Hague Academy of International Law.

Member of the Société française pour le droit international, the International Law Association, the American Society of International

Law and the Instituto Hispano-Luso-Americano de Derecho Internacional. Honorary Member of the Asociación española de profesores de derecho internacional y relaciones internacionales.

Author of numerous publications in the field of international law, including on the International Court of Justice and its procedures.

Judge *ad hoc* Hubert THIERRY

(Judge *ad hoc* in the case conerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*)

Born in Paris, 7 June 1925.

Studies in Law and Letters at the Faculty of Law of Paris and the Sorbonne. *Agrégé de droit public* (1954).

Professor at the Faculty of Law of the Universities of Grenoble (1954-1958) and Caen (1962-1969). Professor at the Université de Paris X — Nanterre (since 1969); Vice-President of that University (1973-1978). Visiting Professor at the Graduate Institute of International Studies, Geneva (1984, 1985 and 1986) and at the University of Geneva (1989-1990).

First Secretary of the conference of trainee lawyers attached to the Conseil d'Etat and the Cour de Cassation (1952). President of the French Section of Amnesty International (1971-1976).

Member of the French delegation to the General Assembly of the United Nations (1955, 1956, 1957 and 1961). Officer on mission with the President of the National Assembly (1973-1978). Deputy Director of UNIDIR (United Nations Institute for Disarmament Research) (1981-1986).

Chevalier de la Légion d'honneur, Officier des Palmes académiques.

In charge of the general course at the Hague Academy of International Law (1990). Author of *Les armes atomiques et la politique internationale*, 1970, and *Droit international*, in collaboration with Professors J. Combacau, S. Sur and C. Vallée, 5th ed., 1986, and of many articles on international law and politics.

CHAPTER III

JURISDICTION OF THE COURT

I. Jurisdiction in Contentious Cases

It is the function of the International Court of Justice to decide in accordance with international law such disputes as are submitted to it (Statute, Art. 38, para. 1). Its jurisdiction in this respect is defined in Article 93 of the Charter of the United Nations and in Articles 34-37 of the Statute of the Court.

1. States Entitled to Appear Before the Court

Article 34, paragraph 1, of the Statute provides that: "Only States may be parties in cases before the Court." Private persons are therefore not entitled to institute proceedings before the Court.

A State entitled to appear before the Court may fall into one of three categories:

(a) *States Members of the United Nations*

Article 35, paragraph 1, of the Statute provides that the Court shall be open to the States parties to the Statute, and Article 93, paragraph 1, of the Charter of the United Nations provides that all Members of the United Nations are *ipso facto* parties to the Statute.

On 31 July 1989 the following 159 States were Members of the United Nations:

State	*Date of Admission*
Afghanistan	19 November 1946
Albania	14 December 1955
Algeria	8 October 1962
Angola	1 December 1976
Antigua and Barbuda	11 November 1981
Argentina	Original Member
Australia	" "
Austria	14 December 1955
Bahamas	18 September 1973
Bahrain	21 September 1971
Bangladesh	17 September 1974
Barbados	9 December 1966
Belgium	Original Member
Belize	25 September 1981
Benin	20 September 1960
Bhutan	21 September 1971

State	*Date of Admission*
Bolivia	Original Member
Botswana	17 October 1966
Brazil	Original Member
Brunei Darussalam	21 September 1984
Bulgaria	14 December 1955
Burkina Faso	20 September 1960
Burundi	18 September 1962
Byelorussian Soviet Socialist Republic	Original Member
Cameroon	20 September 1960
Canada	Original Member
Cape Verde	16 September 1975
Central African Republic	20 September 1960
Chad	" "
Chile	Original Member
China	" "
Colombia	" "
Comoros	12 November 1975
Congo	20 September 1960
Costa Rica	Original Member
Côte d'Ivoire	20 September 1960
Cuba	Original Member
Cyprus	20 September 1960
Czechoslovakia	Original Member
Democratic Kampuchea	14 December 1955
Denmark	Original Member
Djibouti	20 September 1977
Dominica	18 December 1978
Dominican Republic	Original Member
Ecuador	" "
Egypt	" "
El Salvador	" "
Equatorial Guinea	12 November 1968
Ethiopia	Original Member
Fiji	13 October 1970
Finland	14 December 1955
France	Original Member
Gabon	20 September 1960
Gambia	21 September 1965
German Democratic Republic	18 September 1973
Germany, Federal Republic of	" "
Ghana	8 March 1957
Greece	Original Member
Grenada	17 September 1974
Guatemala	Original Member
Guinea	12 December 1958
Guinea-Bissau	17 September 1974

State	*Date of Admission*
Guyana	20 September 1966
Haiti	Original Member
Honduras	" "
Hungary	14 December 1955
Iceland	19 November 1946
India	Original Member
Indonesia	28 September 1950
Iran (Islamic Republic of)	Original Member
Iraq	" "
Ireland	14 December 1955
Israel	11 May 1949
Italy	14 December 1955
Jamaica	18 September 1962
Japan	18 December 1956
Jordan	14 December 1955
Kenya	16 December 1963
Kuwait	14 May 1963
Lao People's Democratic Republic	14 December 1955
Lebanon	Original Member
Lesotho	17 October 1966
Liberia	Original Member
Libyan Arab Jamahiriya	14 December 1955
Luxembourg	Original Member
Madagascar	20 September 1960
Malawi	1 December 1964
Malaysia	17 September 1957
Maldives	21 September 1965
Mali	28 September 1960
Malta	1 December 1964
Mauritania	27 October 1961
Mauritius	24 April 1968
Mexico	Original Member
Mongolia	27 October 1961
Morocco	12 November 1956
Mozambique	16 September 1975
Myanmar	19 April 1948
Namibia	23 April 1990
Nepal	14 December 1955
Netherlands	Original Member
New Zealand	" "
Nicaragua	" "
Niger	20 September 1960
Nigeria	7 October 1960
Norway	Original Member
Oman	7 October 1971
Pakistan	30 September 1947

State	*Date of Admission*
Panama	Original Member
Papua New Guinea	10 October 1975
Paraguay	Original Member
Peru	" "
Philippines	" "
Poland	" "
Portugal	14 December 1955
Qatar	21 September 1971
Romania	14 December 1955
Rwanda	18 September 1962
St. Kitts and Nevis	23 September 1983
St. Lucia	18 September 1979
St. Vincent and the Grenadines	16 September 1980
Samoa	15 December 1976
Sao Tome and Principe	16 September 1975
Saudi Arabia	Original Member
Senegal	28 September 1960
Seychelles	21 September 1976
Sierra Leone	27 September 1961
Singapore	21 September 1965
Solomon Islands	19 September 1978
Somalia	20 September 1960
South Africa	Original Member
Spain	14 December 1955
Sri Lanka	" "
Sudan	12 November 1956
Suriname	4 December 1975
Swaziland	24 September 1968
Sweden	19 November 1946
Syrian Arab Republic	Original Member
Thailand	16 December 1946
Togo	20 September 1960
Trinidad and Tobago	18 September 1962
Tunisia	12 November 1956
Turkey	Original Member
Uganda	25 October 1962
Ukrainian Soviet Socialist Republic	Original Member
Union of Soviet Socialist Republics	" "
United Arab Emirates	9 December 1971
United Kingdom of Great Britain and Northern Ireland	Original Member
United Republic of Tanzania	14 December 1961[1] 16 December 1963[2]

[1] Tanganyika.
[2] Zanzibar.

State	*Date of Admission*
United States of America	Original Member
Uruguay	" "
Vanuatu	15 September 1981
Venezuela	Original Member
Viet Nam	20 September 1977
Yemen	30 September 1947[1]
Yugoslavia	Original Member
Zaire	20 September 1960
Zambia	1 December 1964
Zimbabwe	25 August 1980

(b) *States, not members of the United Nations, parties to the Statute*[2]

Article 93, paragraph 2, of the Charter of the United Nations provides that States which are not members of the United Nations may become parties to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

The conditions laid down have hitherto been the same in each case. They were laid down for the first time as a result of a request by the Swiss Federal Council; on that occasion the General Assembly, on 11 December 1946, adopted resolution 91 (I) which prescribed the following conditions:

> "*(a)* Acceptance of the provisions of the Statute of the International Court of Justice;
>
> *(b)* Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;
>
> *(c)* An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government[3]."

The date on which the State concerned becomes a party to the Statute is that of the deposit with the Secretary-General of the United Nations of the instrument of acceptance of the conditions.

Pursuant to Article 4, paragraph 3, of the Statute, the conditions on which such a State may participate in the election of Members of the Court were laid down in resolution 264 (III) adopted by the General Assembly, upon the recommendation of the Security Council, on 8 October 1948. The operative part of this resolution lays down that:

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[1] Yemen was a Member of the United Nations from 30 September 1947 and Democratic Yemen was a Member from 14 December 1967. By a letter to the Secretary-General of the United Nations, dated 19 May 1990, the two States announced their decision to "merge in a single sovereign State called the Republic of Yemen" on 22 May 1990.

[2] The full text of the resolutions referred to in this section is given on pages 175-183 of *I.C.J. Acts and Documents No. 5*.

[3] See below, Chap. VIII, p. 195.

"1. Such a State shall be on an equal footing with the Members of the United Nations in respect to those provisions of the Statute which regulate the nominations of candidates for election by the General Assembly.

2. Such a State shall participate, in the General Assembly, in electing the members of the Court in the same manner as the Members of the United Nations.

3. Such a State, when in arrears in the payment of its contribution to the expenses of the Court, shall not participate in electing the members of the Court in the General Assembly if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a State to participate in the elections if it is satisfied that the failure to pay is due to conditions beyond the control of that State (see Charter, Article 19)."

The participation of such States in the procedure for amending the Statute of the Court (Charter, Art. 108; Statute, Art. 69) is governed by the following provisions of resolution 2520 (XXIV) adopted by the General Assembly, upon the recommendation of the Security Council, on 4 December 1969:

"*(a)* A State which is a party to the Statute of the International Court of Justice, but is not a Member of the United Nations, may participate in the General Assembly in regard to amendments to the Statute in the same manner as the Members of the United Nations;

(b) Amendments to the Statute of the International Court of Justice shall come into force for all States which are parties to the Statute when they have been adopted by a vote of two-thirds of the States which are parties to the Statute and ratified in accordance with their respective constitutional processes by two-thirds of the States which are parties to the Statute and in accordance with the provisions of Article 69 of the Statute and Article 108 of the Charter of the United Nations."

The following States not members of the United Nations are at present parties to the Statute[1]:

State	*Resolution of the General Assembly*	*Deposit of the instrument of acceptance*
Liechtenstein	363 (IV), 1 December 1949	29 March 1950
Nauru	42/21, 18 November 1987	29 January 1988
San Marino	806 (VIII), 9 December 1953	18 February 1954
Switzerland	91 (I), 11 December 1946	28 July 1948

[1] Before becoming a Member of the United Nations, Japan was a party to the Statute of the Court as from 2 April 1954.

(c) *States, not parties to the Statute, to which the Court may be open*

The Court, which is open to States parties to the Statute, is also open to other States, in accordance with Article 35, paragraph 2, of the Statute[1]. This Article provides that the conditions upon which the Court shall be open to such States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

On 15 October 1946, the Security Council adopted resolution 9 (1946) which reads as follows:

> "The Security Council
>
> In virtue of the powers conferred upon it by Article 35, paragraph 2, of the Statute of the International Court of Justice and subject to the provisions of that Article,
>
> Resolves that:
>
> 1. The International Court of Justice shall be open to a State which is not a party to the Statute of the International Court of Justice, upon the following condition, namely, that such State shall previously have deposited with the Registrar of the Court a declaration by which it accepts the jurisdiction of the Court, in accordance with the Charter of the United Nations and with the terms and subject to the conditions of the Statute and Rules of the Court, and undertakes to comply in good faith with the decision or decisions of the Court and to accept all the obligations of a Member of the United Nations under Article 94 of the Charter;
>
> 2. Such declaration may be either particular or general. A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen. A general declaration is one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which have already arisen or which may arise in the future. A State, in making such a general declaration, may, in accordance with Article 36, paragraph 2, of the Statute, recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Court, provided, however, that such acceptance may not, without explicit agreement, be relied upon vis-à-vis States parties to the Statute which have made the declaration in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice;
>
> 3. The original declarations made under the terms of this resolution shall be kept in the custody of the Registrar of the Court, in accordance with the practice of the Court. Certified true copies thereof shall be transmitted, in accordance with the practice of the Court, to all States parties to the Statute of the International Court of Justice, and to such other States as shall have deposited a declaration under

[1] See also Rules, Art. 26, para. 1 *(c)*, and Art. 41, and below, Chap. VIII, p. 195.

the terms of this resolution, and to the Secretary-General of the United Nations;

4. The Security Council reserves the right to rescind or amend this resolution by a resolution which shall be communicated to the Court, and on the receipt of such communication and to the extent determined by the new resolution, existing declarations shall cease to be effective except in regard to disputes which are already before the Court;

5. All questions as to the validity or the effect of a declaration made under the terms of this resolution shall be decided by the Court."

In the past, particular declarations have been filed by Albania (1947) and by Italy (1953), and general declarations by Cambodia (1952), Ceylon (1952), the Federal Republic of Germany (1955, 1956, 1961, 1965 and 1971), Finland (1953 and 1954), Italy (1955), Japan (1951), Laos (1952), and the Republic of Viet Nam (1952).

2. Basis of the Court's Jurisdiction

The jurisdiction of the Court in contentious proceedings is based on the consent of the States to which it is open[1]. The form in which this consent is expressed determines the manner in which a case may be brought before the Court.

(a) *Special agreement*

Article 36, paragraph 1, of the Statute provides that the jurisdiction of the Court comprises all cases which the parties refer to it. Such cases normally come before the Court by notification to the Registry of an agreement known as a *special agreement* and concluded by the parties specially for this purpose[2]. The subject of the dispute and the parties must be indicated (Statute, Art. 40, para. 1; Rules, Art. 39).

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[1] In the following eight cases, the Court found that it could take no further steps upon an Application in which it was admitted that the opposing party did not accept its jurisdiction: *Treatment in Hungary of Aircraft and Crew of United States of America (United States of America* v. *Hungary) (United States of America* v. *USSR); Aerial Incident of 10 March 1953 (United States of America* v. *Czechoslovakia); Antarctica (United Kingdom* v. *Argentina) (United Kingdom* v. *Chile); Aerial Incident of 7 October 1952 (United States of America* v. *USSR); Aerial Incident of 4 September 1954 (United States of America* v. *USSR); Aerial Incident of 7 November 1954 (United States of America* v. *USSR).*

[2] The following ten cases were submitted to the Court by means of special agreements: *Asylum (Colombia/Peru); Minquiers and Ecrehos (France/United Kingdom); Sovereignty over Certain Frontier Land (Belgium/Netherlands); North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands); Continental Shelf (Tunisia/Libyan Arab Jamahiriya); Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* (case referred to a Chamber); *Continental Shelf (Libyan Arab Jamahiriya/Malta); Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* (case referred to a Chamber). In the *Corfu Channel (United Kingdom* v. *Albania)* case the Parties made a special agreement after delivery of the Judgment on the Preliminary Objection. The case concerning the *Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras* v. *Nicaragua)* was submitted by means of an application, but the Parties had previously concluded an agreement on the procedure to be followed in submitting the dispute to the Court.

(b) *Cases provided for in treaties and conventions*

Article 36, paragraph 1, of the Statute provides also that the jurisdiction of the Court comprises all matters specially provided for in treaties and conventions in force. In such cases a matter is normally brought before the Court by means of a written *application instituting proceedings*; this is a unilateral document which must indicate the subject of the dispute and the parties (Statute, Art. 40, para. 1) and, as far as possible, specify the provision on which the applicant founds the jurisdiction of the Court (Rules, Art. 38).

A list of treaties and conventions governing the jurisdiction of the International Court of Justice in contentious cases is given in Chapter IV (Sec. III) of the present *Yearbook* (pp. 98-115). Furthermore, some of the agreements and conventions mentioned in Section I of Chapter IV (pp. 56-61) relate, in particular, to the jurisdiction of the Court in contentious proceedings.

To these instruments must be added other treaties and conventions concluded earlier and conferring jurisdiction upon the *Permanent Court of International Justice*, for Article 37 of the Statute of the International Court of Justice stipulates that whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the *Permanent Court of International Justice*, the matter shall, as between the parties to the Statute, be referred to the International Court of Justice. The *Permanent Court* reproduced, in 1932, in its *Collection of Texts governing the Jurisdiction of the Court* (*P.C.I.J., Series D, No. 6*, fourth edition) and subsequently in Chapter X of its *Annual Reports (P.C.I.J., Series E, Nos. 8-16)* the relevant provisions of the instruments governing its jurisdiction. By virtue of the Article referred to above, some of these provisions now govern the jurisdiction of the International Court of Justice.

(c) *Compulsory jurisdiction in legal disputes*

The Statute provides that a State may recognize as compulsory, in relation to any other State accepting the same obligation, the jurisdiction of the Court in legal disputes. These cases are brought before the Court by means of written applications. The conditions on which such compulsory jurisdiction may be recognized are stated in paragraphs 2-5 of Article 36 of the Statute, which read as follows:

> "2. The States parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
>
> *(a)* the interpretation of a treaty;
> *(b)* any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain States, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms."

Texts of declarations accepting the compulsory jurisdiction of the Court are given in Section II of Chapter IV below (pp. 62-98).

(d) *The Court itself decides any question as to its jurisdiction*

Article 36, paragraph 6, of the Statute provides that in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court. Article 79 of the Rules lays down the conditions which govern the filing of preliminary objections[1].

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[1] Preliminary objections were raised in the following 19 contentious cases: *Corfu Channel (United Kingdom* v. *Albania); Rights of Nationals of the United States of America in Morocco (France* v. *United States of America); Ambatielos (Greece* v. *United Kingdom); Anglo-Iranian Oil Co. (United Kingdom* v. *Iran); Nottebohm (Liechtenstein* v. *Guatemala); Monetary Gold Removed from Rome in 1943 (Italy* v. *France, United Kingdom and United States of America); Certain Norwegian Loans (France* v. *Norway); Right of Passage over Indian Territory (Portugal* v. *India); Interhandel (Switzerland* v. *United States of America); Aerial Incident of 27 July 1955 (Israel* v. *Bulgaria) (United States of America* v. *Bulgaria); Barcelona Traction, Light and Power Company, Limited (Belgium* v. *Spain); Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France* v. *Lebanon); Temple of Preah Vihear (Cambodia* v. *Thailand); South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa); Northern Cameroons (Cameroon* v. *United Kingdom); Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium* v. *Spain); Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)*. Questions of jurisdiction or admissibility have also been raised in the following ten contentious cases: *Appeal Relating to the Jurisdiction of the ICAO Council (India* v. *Pakistan); Fisheries Jurisdiction (United Kingdom* v. *Iceland; Federal Republic of Germany* v. *Iceland); Nuclear Tests (Australia* v. *France; New Zealand* v. *France); Trial of Pakistani Prisoners of War (Pakistan* v. *India); Aegean Sea Continental Shelf (Greece* v. *Turkey); United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran); Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America); Border and Transborder Armed Actions (Nicaragua* v. *Honduras)*.

(e) *Interpretation of a judgment*

Article 60 of the Statute provides that in the event of dispute as to the meaning or scope of a judgment, the Court shall construe it upon the request of any party. The request for interpretation may be made either by means of a special agreement between the parties or of an application by one or more of the parties (Rules, Art. 98)[1].

(f) *Revision of a judgment*

An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such party's ignorance was not due to negligence (Statute, Art. 61, para. 1). A request for revision is made by means of an application (Rules, Art. 99)[2].

II. Advisory Jurisdiction

The advisory jurisdiction of the Court is governed by Article 65 of the Statute and Article 96 of the Charter of the United Nations.

By virtue of Article 65 of the Statute, the Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request. An exact statement of the questions upon which the advisory opinion is asked must be contained in a *request for an advisory opinion*.

Article 96, paragraph 1, of the Charter provides that advisory opinions may be asked of the Court by the General Assembly or the Security Council on any legal question. Paragraph 2 of this Article adds:

> "Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

The following organs and agencies are at present authorized to request advisory opinions[3]:

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[1] An application for interpretation of the Judgment was made by Colombia in respect of the *Asylum (Colombia/Peru)* case. Cf. note 2, below.

[2] An application for revision and interpretation of the Judgment was filed by Tunisia in respect of the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

[3] The International Refugee Organization, which had been authorized to request advisory opinions of the Court, ceased to exist in 1952. The Havana Charter for an International Trade Organization, which provides for the jurisdiction of the Court in proceedings in regard to advisory opinions, has not entered into force.

United Nations:

General Assembly[1],
Security Council[2],
Economic and Social Council[3],
Trusteeship Council,
Interim Committee of the General Assembly,
Committee on Applications for Review of Administrative Tribunal Judgements[4];

International Labour Organisation;
Food and Agriculture Organization of the United Nations;
United Nations Educational, Scientific and Cultural Organization[5];
World Health Organization[6];
International Bank for Reconstruction and Development;
International Finance Corporation;
International Development Association;
International Monetary Fund;
International Civil Aviation Organization;
International Telecommunication Union;
International Fund for Agricultural Development;
World Meteorological Organization;

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[1] The General Assembly has requested 13 advisory opinions of the Court in the following 12 cases: *Conditions of Admission of a State to Membership in the United Nations (Article 4 of Charter); Reparation for Injuries Suffered in the Service of the United Nations; Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase;* id., *Second Phase; Competence of the General Assembly for the Admission of a State to the United Nations; International Status of South West Africa; Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide; Effect of Awards of Compensation Made by the United Nations Administrative Tribunal; Voting Procedure on Questions Relating to Reports and Petitions concerning the Territory of South West Africa; Admissibility of Hearings of Petitioners by the Committee on South West Africa; Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter); Western Sahara; Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947.*

[2] The Security Council requested an advisory opinion of the Court concerning the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970).*

[3] The Economic and Social Council requested an advisory opinion of the Court in the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations.*

[4] The Committee on Applications for Review of Administrative Tribunal Judgements requested an advisory opinion in the following three cases: *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal; Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal; Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal.*

[5] The Executive Board of Unesco requested an advisory opinion of the Court concerning *Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco.*

[6] The World Health Assembly requested an advisory opinion of the Court concerning *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt.*

International Maritime Organization[1];
World Intellectual Property Organization;
United Nations Industrial Development Organization;
International Atomic Energy Agency.

In Section I of Chapter IV of the present *Yearbook* (pp. 56-61) will be found references to the instruments by virtue of which such requests may be submitted by the above organs and agencies.

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[1] The Assembly of this organization requested an advisory opinion of the Court concerning the *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization.*

CHAPTER IV

TEXTS GOVERNING THE JURISDICTION OF THE COURT

The present chapter, which is compiled from the information available to the Registry, presents a compendium of instruments now in force governing the jurisdiction of the Court. It takes into account, so far as the Registry is informed of them, any amendments to those instruments which have affected their provisions concerning the jurisdiction of the Court. The inclusion or omission of any instrument should not be regarded as an indication of any view entertained by the Registry, or *a fortiori* by the Court, regarding the nature, scope or validity of the instrument in question.

I. Instruments Governing the Relationship of Organs of the United Nations and International Organizations with the Court

This section lists provisions for the contentious or advisory jurisdiction of the Court in the following categories of instruments: constitutional texts of public international organizations; agreements concluded between the United Nations and other international organizations; authorizations accorded by the General Assembly of the United Nations to other organs of the United Nations or to international organizations by virtue of Article 96, paragraph 2, of the Charter; multilateral conventions relating to the privileges and immunities of world-wide international organizations; agreements concluded by international organizations with States.

1. United Nations

Authorization to the *General Assembly* and the *Security Council* to request advisory opinions of the International Court of Justice: Charter, Article 96, paragraph 1.

Authorization to the *Economic and Social Council* to request advisory opinions of the International Court of Justice: resolution 89 (I) of the General Assembly, 11 December 1946.

Authorization to the *Trusteeship Council* to request advisory opinions of the International Court of Justice: resolution 171 (II) of the General Assembly, 14 November 1947, paragraph B.

Authorization to the *Interim Committee of the General Assembly* to request advisory opinions of the International Court of Justice: resolution 196 (III) of the General Assembly, 3 December 1948, paragraph 3[1].

Authorization to the *Committee on Applications for Review of Judgements of the United Nations Administrative Tribunal* to request advisory opinions of the International Court of Justice: Statute of the United Nations Administrative Tribunal, as amended by resolution 957 (X) of the General Assembly, 8 November 1955, Article 11[2].

Convention on the privileges and immunities of the United Nations, adopted by the General Assembly on 13 February 1946, Article VIII, Section 30 (United Nations, *Treaty Series*, I, No. 4, Vol. 1).

Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 26 June 1947, Article VIII, Section 21 (United Nations, *Treaty Series*, I, No. 147, Vol. 11).

Agreement between Chile and the United Nations Economic Commission for Latin America regulating conditions for the operation, in Chile, of the Headquarters of the Commission, 16 February 1953, Article XI, Section 21 (United Nations, *Treaty Series*, I, No. 4541, Vol. 314).

Agreement between the United Nations and Thailand relating to the Headquarters of the Economic Commission for Asia and the Far East in Thailand, 26 May 1954, Article XIII, Section 26 (United Nations, *Treaty Series*, I, No. 3703, Vol. 260).

Agreement between the United Nations and Ethiopia regarding the Headquarters of the United Nations Economic Commission for Africa, 18 June 1958, Article IX (United Nations, *Treaty Series*, I, No. 4597, Vol. 317).

Agreement between the United Nations and Japan regarding the Headquarters of the United Nations University, 14 May 1976, Section 22 (United Nations, *Treaty Series*, I, No. 14839, Vol. 1009).

2. All Specialized Agencies

Convention on the privileges and immunities of the specialized agencies, approved by the General Assembly of the United Nations on 21 November

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[1] The mandate of the Interim Committee was extended indefinitely by resolution 295 (IV) of the General Assembly of 21 November 1949, paragraph 3 of which preserved its authority to request advisory opinions of the Court.

[2] Article not applicable to Judgements concerning the staff of the International Civil Aviation Organization or Inter-Governmental Maritime Consultative Organization (now International Maritime Organization), which have both, however, accepted the jurisdiction of the United Nations Administrative Tribunal.

1947, Article VII, Section 24, and Article IX, Section 32 (United Nations, *Treaty Series*, I, No. 521, Vol. 33).

3. International Labour Organisation

Instrument for the amendment of the Constitution of the International Labour Organisation, 9 October 1946, Articles 29, 31-34 and 37 (United Nations, *Treaty Series*, I, No. 229, Vol. 15).

Agreement between the United Nations and the International Labour Organisation, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 9, Vol. 1).

Statute of the Administrative Tribunal of the International Labour Organisation, adopted by the International Labour Conference on 9 October 1946 and modified by the Conference on 29 June 1949, Article XII[1].

4. Food and Agriculture Organization of the United Nations

Constitution of the Food and Agriculture Organization of the United Nations, 16 October 1945, as amended in 1957, Article XVII (Food and Agriculture Organization of the United Nations, *Basic Texts*, Vol. I, 1968).

Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 10, Vol. 1).

Terms of appointment of the Director-General of the Food and Agriculture Organization of the United Nations: recommendation by the Conference of the Organization, 27 October 1945, paragraph 3 (Food and Agriculture Organization of the United Nations, *Report of the First Session of the Conference*, 16 October-1 November 1945).

5. United Nations Educational, Scientific and Cultural Organization

Constitution of the United Nations Educational, Scientific and Cultural Organization, 16 November 1945, Articles V, paragraph 11 (adopted in

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[1] The jurisdiction of this Tribunal, which is open to officials of the International Labour Organisation or other persons claiming under the terms of appointment of an official, has been recognized also by the following international organizations, which are authorized to request advisory opinions: Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization; International Telecommunication Union; World Meteorological Organization; World Intellectual Property Organization; International Atomic Energy Agency.

1952), and XIV, paragraph 2 (United Nations, *Treaty Series*, I, No. 52, Vol. 4)[1].

Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, approved by the General Assembly of the United Nations on 14 December 1946, as revised and approved by the General Assembly of the United Nations on 8 December 1962, Article X[2] (United Nations, *Treaty Series*, II, No. 11, Vol. 1; *ibid.*, General Assembly, resolution 1786 (XVII)).

Agreement between the United Nations Educational, Scientific and Cultural Organization and France regarding the Headquarters of Unesco and the privileges and immunities of the Organization on French territory, 2 July 1954, Article 29 (United Nations, *Treaty Series*, I, No. 5103, Vol. 357).

6. World Health Organization

Constitution of the World Health Organization, 22 July 1946, Articles 75-77 (United Nations, *Treaty Series*, I, No. 221, Vol. 14).

Agreement between the United Nations and the World Health Organization, approved by the General Assembly of the United Nations on 15 November 1947, Article X (United Nations, *Treaty Series*, II, No. 115, Vol. 19).

7. International Bank for Reconstruction and Development, International Finance Corporation and International Development Association

Agreement between the United Nations and the International Bank for Reconstruction and Development, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 109, Vol. 16).

Agreement on relationship between the United Nations and the International Finance Corporation, approved by the General Assembly of the United Nations on 20 February 1957, paragraph 1 (United Nations, *Treaty Series*, II, No. 546, Vol. 265).

Agreement on relationship between the United Nations and the International Development Association, approved by the General Assembly of the United Nations on 27 March 1961, Article I (United Nations, *Treaty Series*, II, No. 582, Vol. 394).

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[1] See also Rules of Procedure of the General Conference of Unesco, Rule 33, and the Protocol of 10 December 1962 instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education, Article 18 (Unesco document 12C/Resolutions).

[2] Article XI before the revision of 1962.

8. International Monetary Fund

Agreement between the United Nations and the International Monetary Fund, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 108, Vol. 16).

9. International Civil Aviation Organization

Convention on International Civil Aviation, 7 December 1944, Articles 84-86 (United Nations, *Treaty Series*, I, No. 10612, Vol. 740; ICAO, *Convention on International Civil Aviation*, 1969).

Agreement between the United Nations and the International Civil Aviation Organization, approved by the General Assembly of the United Nations on 14 December 1946, Article X (United Nations, *Treaty Series*, II, No. 45, Vol. 8).

Agreement between the International Civil Aviation Organization and Canada regarding the Headquarters of the Organization, 14 April 1951, Article VII, Section 31 (United Nations, *Treaty Series*, I, No. 1335, Vol. 96).

10. International Telecommunication Union

Agreement between the United Nations and the International Telecommunication Union, approved by the General Assembly of the United Nations on 15 November 1947, Article VII (United Nations, *Treaty Series*, II, No. 175, Vol. 30).

11. World Meteorological Organization

Agreement between the United Nations and the World Meteorological Organization, approved by the General Assembly of the United Nations on 20 December 1951, Article VII (United Nations, *Treaty Series*, II, No. 415, Vol. 123).

12. International Maritime Organization

Convention on the Inter-Governmental Maritime Consultative Organization, 6 March 1948, entered into force on 17 March 1958, Articles 55 and 56 (United Nations, *Treaty Series*, I, No. 4214, Vol. 289)[1].

Agreement between the United Nations and the Inter-Governmental Maritime Consultative Organization, approved by the General Assembly of the United Nations on 18 November 1948, entered into force on 13 January 1959, Article IX (United Nations, *Treaty Series*, II, No. 553, Vol. 324).

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[1] As from 22 May 1982 the Inter-Governmental Maritime Consultative Organization (IMCO) became the International Maritime Organization (IMO); the name of the organization was changed in the title of the 1948 Convention and the relevant Articles of the Convention were re-numbered 69 and 70.

13. World Intellectual Property Organization

Agreement between the United Nations and the World Intellectual Property Organization, approved by the General Assembly of the United Nations on 17 December 1974, Article 12 (United Nations, *Treaty Series*, II, No. 729).

14. International Fund for Agricultural Development

Agreement between the United Nations and the International Fund for Agricultural Development, approved by the General Assembly of the United Nations on 15 December 1977, Article XIII (United Nations, *Treaty Series*, II, No. 806, Vol. 1080).

15. United Nations Industrial Development Organization

Constitution of the United Nations Industrial Development Organization, 8 April 1979, Article 22.

Agreement between the United Nations Organization and the United Nations Industrial Development Organization, approved by the General Assembly of the United Nations on 17 December 1985, Article 12.

16. International Atomic Energy Agency

Statute of the International Atomic Energy Agency, 26 October 1956, Article XVII (United Nations, *Treaty Series*, I, No. 3988, Vol. 276).

Agreement concerning the relationship between the United Nations and the International Atomic Energy Agency, approved by the General Assembly of the United Nations on 14 November 1957, Article X (United Nations, *Treaty Series*, II, No. 548, Vol. 281).

Authorization to the International Atomic Energy Agency to request advisory opinions of the International Court of Justice: resolution 1146 (XII) of the General Assembly of the United Nations, 14 November 1957.

Agreement on the privileges and immunities of the International Atomic Energy Agency, approved by the Board of Governors of the Agency on 1 July 1959, Article X, Section 34 (United Nations, *Treaty Series*, I, No. 5334, Vol. 374).

Agreement between the International Atomic Energy Agency and Iraq, Lebanon, Libya, Tunisia, United Arab Republic, etc., for the establishment in Cairo of a Middle Eastern regional radio-isotope centre for the Arab countries, approved by the Board of Governors of the Agency on 14 September 1962, Article XVI (United Nations, *Treaty Series*, I, No. 7236, Vol. 494).

Nordic Mutual Emergency Assistance Agreement in connection with radiation accidents, signed on 17 October 1963 by the International Atomic Energy Agency, Denmark, Finland, Norway and Sweden, Article IX (United Nations, *Treaty Series*, I, No. 7585, Vol. 525).

II. Declarations Recognizing As Compulsory the Jurisdiction of the Court

The texts of declarations under Article 36, paragraph 2, of the Statute, which had not expired by effluxion of time, or whose withdrawal or replacement had not been notified by 31 July 1989, will be found below. The fact that a declaration is or is not included in this section, is without prejudice to its possible application by the Court in a particular case.

The declaration of Guinea-Bissau was deposited with the Secretary-General of the United Nations during the 12 months under review, on 7 August 1989, and was the first such declaration made by that State.

In view of the provisions of Article 36, paragraph 5, of the Statute of the International Court of Justice, the present section also contains the texts of declarations made under the Statute of the *Permanent Court of International Justice* which have not lapsed or been withdrawn. There are now seven such declarations.

The declarations, deposited by a total of 51 States[1], are given here in English[2]. Where this is not the original language of the declaration, the translations used, except where otherwise indicated, are by the Secretariat of the United Nations or of the League of Nations.

The date shown after the name of the State is that on which the declaration was deposited.

Australia

17 III 75.

Whereas on the first day of November one thousand nine hundred and forty-five Australia ratified the Charter of the United Nations of which the Statute of the International Court of Justice is an integral part; and

Whereas Australia made a declaration under paragraph 2 of Article 36, of the said Statute on the sixth day of February, one thousand nine hundred and fifty-four[3]; and

Whereas Australia desires to withdraw the said declaration;

The Government of Australia hereby withdraws the said declaration and declares for and on behalf of Australia that it recognizes as compulsory *ipso*

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[1] Since 1951, eleven other declarations relating to the jurisdiction of the International Court of Justice, either expressly or by virtue of Article 36, paragraph 5, of the Statute, have expired, been withdrawn or been terminated without being subsequently replaced. These were the declarations of the following States: Bolivia, Brazil, China, France, Guatemala, Iran, Israel, South Africa, Thailand, Turkey and the United States (United Nations, *Treaty Series*, I, No. 261, Vol. 16; I, No. 237, Vol. 15; I, No. 5, Vol. 1; I, No. 8196, Vol. 562; I, No. 12, Vol. 1; *I.C.J. Yearbook 1946-1947*, p. 211; *I.C.J. Yearbook 1984-1985*, pp. 79-80; United Nations, *Treaty Series*, I, No. 2935, Vol. 216; I, No. 844, Vol. 65; I, No. 50, Vol. 4; *I.C.J. Yearbook 1984-1985*, pp. 99-100).

[2] French texts of the declarations are given in the French counterpart of the *I.C.J. Yearbook*, the *C.I.J. Annuaire*.

[3] United Nations, *Treaty Series*, I, No. 2484, Vol. 186.

facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to withdraw this declaration.

The Government of Australia further declares that this declaration does not apply to any dispute in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement.

In witness whereof, I, Edward Gough Whitlam, Prime Minister acting for and on behalf of the Minister of State for Foreign Affairs of Australia, have hereunto set my hand and affixed the seal of the Minister of State for Foreign Affairs.

Dated this thirteenth day of March, one thousand nine hundred and seventy-five.

(Signed) E. G. WHITLAM,
Prime Minister acting for
and on behalf of the Minister
of State for Foreign Affairs
of Australia.

AUSTRIA

19 V 71.

I hereby declare that the Republic of Austria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute in respect of which the parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force for a period of five years and thereafter until it will be terminated or modified by a written declaration.

Done at Vienna on 28 April 1971.

(Signed) JONAS,
The Federal President.

In witness whereof the present declaration has been countersigned by the Federal Chancellor and the Minister for Foreign Affairs and the national seal of the Republic of Austria has been affixed thereto.

(Signed) Bruno KREISKY,
The Federal Chancellor.
(Signed) Rudolf KIRCHSCHLAEGER,
The Federal Minister for Foreign Affairs.

BARBADOS

1 VIII 80.

I have the honour to declare on behalf of the Government of Barbados that:

The Government of Barbados accepts as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court until such time as notice might be given to terminate the acceptance, over all disputes arising after the declaration is made, other than:

(a) disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement,

(b) disputes with the government of any other country which is a Member of the Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree,

(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Barbados,

(d) disputes arising out of or concerning jurisdiction or rights claimed or exercised by Barbados in respect of the conservation, management or exploitation of the living resources of the sea, or in respect of the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Barbados.

24 July 1980.

(Signed) H. de B. FORDE,
Minister of External Affairs.

BELGIUM[1]

[Translation from the French] 17 VI 58.

I declare on behalf of the Belgian Government that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in legal disputes arising after 13 July 1948 concerning situations or facts subsequent to that date, except those in regard to which the parties have agreed or may agree to have recourse to another method of pacific settlement.

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[1] Belgium had deposited in 1948 a declaration valid for five years (United Nations, *Treaty Series*, I, No. 260, Vol. 16).

This declaration is made subject to ratification[1]. It shall take effect on the day of deposit of the instrument of ratification for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Brussels, 3 April 1958.

(Signed) V. LAROCK,
Minister for Foreign Affairs.

BOTSWANA

16 III 70.

I, Sir Seretse Khama, President of the Republic of Botswana, have the honour to declare on behalf of the Government of the Republic of Botswana, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(a) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(b) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Republic of Botswana.

The Government of the Republic of Botswana also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Done at Gaborone this 14th day of January in the year of our Lord one thousand nine hundred and seventy.

(Signed) Seretse M. KHAMA,
President.

CANADA

10 IX 85.

On behalf of the Government of Canada,

(1) I give notice that I hereby terminate the acceptance by Canada of the compulsory jurisdiction of the International Court of Justice hitherto

[1] The instrument of ratification was deposited on 17 June 1958.

effective by virtue of the declaration made on 7 April 1970[1] in conformity with paragraph 2 of Article 36 of the Statute of that Court.

(2) I declare that the Government of Canada accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after the present declaration with regard to situations or facts subsequent to this declaration, other than:

(a) disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(b) disputes with the Government of any other country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Canada.

(3) The Government of Canada also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

It is requested that this notification may be communicated to the governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

New York, 10 September 1985.

(Signed) Stephen LEWIS,
Ambassador and
Permanent Representative.

COLOMBIA[2]

[Translation from the French] 30 X 37.

The Republic of Colombia recognizes as compulsory, *ipso facto* and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the

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[1] *I.C.J. Yearbook 1984-1985*, pp. 71-72.

[2] An instrument of ratification was deposited on 30 October 1937. Ratification was not required under the terms of the Optional Clause, the act of signature itself sufficing to make the undertaking binding, except where the declaration has been made expressly subject to ratification. Nevertheless, certain States, which had signed without any such reservation, subsequently ratified their declarations.

Permanent Court of International Justice, in accordance with Article 36 of the Statute.

The present declaration applies only to disputes arising out of facts subsequent to 6 January 1932.

Geneva, 30 October 1937.

(Signed) J. M. YEPES,
Legal Adviser of the Permanent Delegation
of Colombia to the League of Nations.

COSTA RICA

[Translation from the Spanish] 20 II 73.

The Government of Costa Rica recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes of the kinds referred to in Article 36, paragraph 2, of the Statute of the International Court of Justice. This Declaration shall be valid for a period of five years and shall be understood to be tacitly renewed for like periods, unless denounced before the expiration of the said period.

San José, 5 February 1973.

(Signed) Gonzalo J. FACIO,
Minister for Foreign Affairs.

CYPRUS

29 IV 88.

I have the honour on behalf of the Government of the Republic of Cyprus to declare, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, that the Republic of Cyprus accepts as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the Court, in relation to any other State accepting the same obligation, over all legal disputes concerning:

(a) the interpretation of any treaty –

I. to which the Republic of Cyprus became a Party on or after 16 August 1960 or
II. which the Republic of Cyprus recognizes as binding on it by succession;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

Provided that this declaration shall not apply:

(a) to disputes relating to questions which fall within the domestic jurisdiction of the Republic of Cyprus;
(b) where the declaration recognizing the compulsory jurisdiction of the International Court of Justice on behalf of any other Party to the dispute was deposited with the Secretary-General of the United Nations less than six months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Cyprus reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw this declaration or any of the foregoing reservations or any that may hereafter be added.

Nicosia, 19 April 1988.

(Signed) George IACOVOU,
Minister of Foreign Affairs.

DEMOCRATIC KAMPUCHEA

[Translation from the French] 19 IX 57.

On behalf of the Royal Government of Cambodia I have the honour to declare that, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State Member of the United Nations accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the said Court in all legal disputes, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(2) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Kingdom of Cambodia;
(3) disputes relating to any matter excluded from judicial settlement or compulsory arbitration by virtue of any treaty, convention or other international agreement or instrument to which the Kingdom of Cambodia is a party.

This declaration is valid for ten years from the date of its deposit. It shall

remain in force thereafter until notice to the contrary has been given by the Royal Government of Cambodia.

Phnom-Penh, 9 September 1957.

(Signed) SIM VAR.

DENMARK[1]

[Translation from the French] 10 XII 56.

In conformity with the Royal Decree of 3 December 1956, I have the honour, on behalf of the Danish Government, to make the following declaration:

Pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, the Kingdom of Denmark recognizes as compulsory *ipso facto* and without special agreement the jurisdiction of the Court in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, for a period of five years from 10 December 1956 and thereafter for further periods of five years, if this declaration is not denounced by notice of not less than six months before the expiration of any five-year period.

New York, 10 December 1956.

(Signed) Karl I. ESKELUND,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the United Nations.

DOMINICAN REPUBLIC

[Translation from the French] 30 IX 24.

On behalf of the Government of the Dominican Republic and subject to ratification[2], I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

Geneva, 30 September 1924.

(Signed) Jacinto R. DE CASTRO.

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[1] This declaration replaced that of 10 December 1946, which had been made for a period of ten years as from that date (United Nations, *Treaty Series*, I, No. 10, Vol. 1).

[2] The instrument of ratification was deposited on 4 February 1933.

EGYPT

22 VII 57.

I, Mahmoud Fawzi, Minister for Foreign Affairs of the Republic of Egypt, declare on behalf of the Government of the Republic of Egypt, that, in accordance with Article 36 (2) of the Statute of the International Court of Justice and in pursuance and for the purposes of paragraph 9 *(b)* of the Declaration of the Government of the Republic of Egypt dated 24 April 1957, on "the Suez Canal and the arrangements for its operation"[1], the Government of the Republic of Egypt accept as compulsory *ipso facto*, on condition of reciprocity and without special agreement, the jurisdiction of the International Court of Justice in all legal disputes that may arise under the said paragraph 9 *(b)* of the above Declaration dated 24 April 1957, with effect as from that date.

18 July 1957.

(Signed) Mahmoud FAWZI.

EL SALVADOR[2]

[Translation from the Spanish] 26 XI 73.

In my capacity as Minister for Foreign Affairs and on behalf of the Government of the Republic of El Salvador,

Considering that Article 36, paragraph 5, of the Statute of the International Court of Justice provides that a declaration made under Article 36 of the Statute of the Permanent Court of International Justice makes the jurisdiction of the International Court of Justice compulsory in accordance with the terms of the original declaration,

Considering that the Government of El Salvador, in accordance with the Agreement of the Executive Authority of 26 May 1930, ratified by the Legislative Authority in accordance with Decree No. 110 of 3 July 1930, made a declaration recognizing the compulsory jurisdiction of the Permanent Court of International Justice, with the reservations set forth in the same document and on the basis of the Political Constitution of the Republic which, at the time, was that promulgated on 24 August 1886,

Considering that, after the notification of that declaration, other Political Constitutions of the Republic have been promulgated, the latest being that currently in effect as from 24 January 1962, and that moreover,

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[1] United Nations, *Treaty Series*, I, No. 3821, Vol. 265.

[2] By a letter addressed to the Secretary-General of the United Nations on 24 November 1978 by the Permanent Representative of El Salvador this declaration, with all the exceptions and reservations it contains, was renewed for a period of ten years as from 26 November 1978.

after that declaration, the United Nations Charter was adopted on 26 June 1945 and the Charter of the Organization of American States on 30 April 1948, revised by the Protocol of Buenos Aires in 1967,

Considering that, consequently, the terms of the declaration must be adapted to accord with those postulated in the Political Constitution currently in effect, and with the present circumstances; bearing in mind, furthermore, the texts of similar declarations made by other States Members of the United Nations,

I therefore make the following declaration:

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, El Salvador recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(a) The interpretation of a treaty;
(b) Any question of international law;
(c) The existence of any fact which, if established, would constitute a breach of an international obligation;
(d) The nature or extent of the reparation to be made for the breach of an international obligation.

This declaration shall apply solely to situations or facts that may arise after this date; it is made on condition of reciprocity in relation to any other State party to any dispute with El Salvador and is subject to the following exceptions, on which El Salvador does not accept the Court's compulsory jurisdiction:

(i) disputes which the parties have agreed or may agree to submit to other means of peaceful settlement;
(ii) disputes which, under international law, fall exclusively within the domestic jurisdiction of El Salvador;
(iii) disputes with El Salvador concerning or relating to:

  (1) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;
  (2) the territorial sea and the corresponding continental slope or continental shelf and the resources thereof, unless El Salvador accepts the jurisdiction in that particular case;
  (3) the condition of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it or are under a system of joint ownership, whether or not recognized by rulings of international tribunals;
  (4) the airspace superjacent to its land and maritime territory;

(iv) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures

or situations in which El Salvador is, has been or may at some time be involved;

(v) pre-existing disputes, it being understood that this includes any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter; and

(vi) disputes that may arise over the interpretation or implementation of a multilateral treaty unless (1) all the parties to the treaty are also parties in the case before the Court, or (2) El Salvador expressly accepts the Court's jurisdiction in that particular case.

This declaration revokes and replaces the previous declaration made before the Permanent Court of International Justice[1] and will remain in effect for a period of five years from this date. The above shall not prejudice the right which El Salvador reserves to be able at any time to modify, add to, clarify or derogate from the exceptions presented in it.

This declaration is made in compliance with Executive Agreement No. 826 of 24 November 1973, ratified by the Legislative Authority under Decree No. 488 of 26 November 1973.

I respectfully request you to be good enough to take the appropriate action with this declaration and to have it registered immediately in accordance with the practice established on the basis of the United Nations Charter.

San Salvador, 26 November 1973.

(Signed) Mauricio A. BORGONOVO POHL,
Minister for Foreign Affairs.

FINLAND

[Translation from the French] 25 VI 58.

On behalf of the Finnish Government, I hereby declare that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, for a period of five years from 25 June 1958. This declaration shall be renewed by tacit agreement for further periods of the same duration, unless it is denounced not later than six months before the expiry of any such period.

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[1] *I.C.J. Yearbook 1972-1973*, p. 59.

This declaration shall apply only to disputes arising in regard to situations or facts subsequent to 25 June 1958.

New York, 25 June 1958.

(Signed) G. A. GRIPENBERG,
Permanent Representative of Finland
to the United Nations.

GAMBIA

22 VI 66.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare, on behalf of the Government of the Gambia, that the Gambia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice until such time as notice may be given to terminate the acceptance, over all disputes arising in the future concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

with the reservation, however, that this declaration does not apply to

(a) disputes in regard to which the parties have agreed to a settlement other than by recourse to the International Court of Justice;
(b) disputes with any country in the Commonwealth;
(c) disputes which, by international law, fall exclusively within the jurisdiction of the Gambia.

Bathurst, 14 June 1966.

(Signed) A. B. N'JIE,
Minister of State for External Affairs.

GUINEA-BISSAU

[Translation from the French] 7 VIII 89.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, the Republic of Guinea-Bissau accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in Article 36, paragraph 2, of the Statute thereof.

This declaration will remain in force until six months following the date on which the Government of Guinea-Bissau makes known its intention of terminating it.

New York, 7 August 1989.

(Signed) Raul A. DE MELO CABRAL,
Chargé d'affaires a.i.

HAITI

[Translation from the French] 4 X 21.

On behalf of the Republic of Haiti, I recognize the jurisdiction of the Permanent Court of International Justice as compulsory.

(Signed) F. ADDOR,
Consul.

HONDURAS

[Translation from the Spanish] 6 VI 86.

The Government of the Republic of Honduras, duly authorized by the National Congress under Decree No. 75-86 of 21 May 1986 to modify the Declaration made on 20 February 1960 concerning Article 36, paragraph 2, of the Statute of the International Court of Justice, *hereby declares* that it modifies the Declaration made by it on 20 February 1960[1] as follows:

1. It recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:
   (a) the interpretation of a treaty;
   (b) any question of international law;
   (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
   (d) the nature or extent of the reparation to be made for the breach of an international obligation.
2. This Declaration shall not apply, however, to the following disputes to which the Republic of Honduras may be a party:
   (a) disputes in respect of which the parties have agreed or may agree to resort to other means for the pacific settlement of disputes;
   (b) disputes concerning matters subject to the domestic jurisdiction of the Republic of Honduras under international law;
   (c) disputes relating to facts or situations originating in armed

[1] *I.C.J. Yearbook 1984-1985*, pp. 78-79.

conflicts or acts of a similar nature which may affect the territory of the Republic of Honduras, and in which it may find itself involved directly or indirectly;

(d) disputes referring to:

(i) territorial questions with regard to sovereignty over islands, shoals and keys; internal waters, bays, the territorial sea and the legal status and limits thereof;

(ii) all rights of sovereignty or jurisdiction concerning the legal status and limits of the contiguous zone, the exclusive economic zone and the continental shelf;

(iii) the airspace over the territories, waters and zones referred to in this subparagraph.

3. The Government of Honduras also reserves the right at any time to supplement, modify or withdraw this Declaration or the reservations contained therein by giving notice to the Secretary-General of the United Nations.

4. This Declaration replaces the Declaration made by the Government of Honduras on 20 February 1960.

National Palace, Tegucigalpa, D.C., 22 May 1986.

(Signed) José AZCONA H.,
President of the Republic.

(Signed) Carlos LÓPEZ CONTRERAS,
The Secretary of State for Foreign Affairs.

INDIA

18 IX 74.

I have the honour to declare, on behalf of the Government of the Republic of India, that they accept, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction of the International Court of Justice over all disputes other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;

(2) disputes with the government of any State which is or has been a Member of the Commonwealth of Nations;

(3) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of India;

(4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence,

resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved;

(5) disputes with regard to which any other party to a dispute has accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court;

(6) disputes where the jurisdiction of the Court is or may be founded on the basis of a treaty concluded under the auspices of the League of Nations, unless the Government of India specially agree to jurisdiction in each case;

(7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction;

(8) disputes with the government of any State with which, on the date of an application to bring a dispute before the Court, the Government of India has no diplomatic relations or which has not been recognized by the Government of India;

(9) disputes with non-sovereign States or territories;

(10) disputes with India concerning or relating to:

(a) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;

(b) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone, and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;

(c) the condition and status of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it;

(d) the airspace superjacent to its land and maritime territory; and

(e) the determination and delimitation of its maritime boundaries.

(11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter.

2. This declaration revokes and replaces the previous declaration made by the Government of India on 14 September 1959[1].

New Delhi, 15 September 1974.

(Signed) Swaran SINGH,
Minister for External Affairs.

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[1] United Nations, *Treaty Series*, I, No. 4871, Vol. 340.

JAPAN

15 IX 58.

I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan, that in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, Japan recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes which arise on and after the date of the present declaration with regard to situations or facts subsequent to the same date and which are not settled by other means of peaceful settlement.

This declaration does not apply to disputes which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement.

This declaration shall remain in force for a period of five years and thereafter until it may be terminated by a written notice.

New York, 15 September 1958.

(Signed) Koto MATSUDAIRA,
Permanent Representative of Japan
to the United Nations.

KENYA

19 IV 65.

I have the honour to declare, on behalf of the Government of the Republic of Kenya that it accepts, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction over all disputes arising after 12 December 1963 with regard to situations or facts subsequent to that date, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
(2) dispute with the government of any State which, on the date of this Declaration is a Member of the Commonwealth of Nations or may so become subsequently;
(3) disputes with regard to questions which by general rules of international law fall exclusively within the jurisdiction of Kenya;
(4) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of the Republic of Kenya have accepted obligations.

The Government of the Republic of Kenya reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations to add to, amend, or withdraw any of the foregoing reservations. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Nairobi, 12 April 1965.

(Signed) Joseph MURUMBI,
Minister for External Affairs.

LIBERIA

20 III 52.

On behalf of the Government of the Republic of Liberia, I, Gabriel L. Dennis, Secretary of State of Liberia, subject to ratification, declare that the Republic of Liberia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State, also a party to the Statute pursuant to Article 93 of the United Nations Charter, which accepts the same obligation (i.e., subject to reciprocity), the jurisdiction of the International Court of Justice in all legal disputes arising after ratification concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration does not apply:

(a) to any dispute which the Republic of Liberia considers essentially within its domestic jurisdiction;
(b) to any dispute in regard to which the parties have agreed or may agree to bring before other tribunals as a result of agreements already existing or which may be made in the future.

The present declaration has been made for a period of five years as from the date of deposit of the ratification[1] and thereafter until notice of termination is given.

Done at Monrovia this 3rd day of March 1952.

(Signed) Gabriel L. DENNIS,
Secretary of State.

[1] The instrument of ratification, dated 30 March 1953, was deposited on 17 April 1953.

LIECHTENSTEIN

[Translation from the French] 29 III 50.

The Government of the Principality of Liechtenstein, duly authorized by His Serene Highness, the Reigning Prince François Joseph II, in accordance with the Order of the Diet of the Principality of Liechtenstein dated 9 March 1950, which came into force on 10 March 1950,

declares by these presents that the Principality of Liechtenstein recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Principality becomes a party to the Statute[1] and shall have effect as long as the declaration has not been revoked subject to one year's notice.

Done at Vaduz, 10 March 1950.

On behalf of the Government of
the Principality of Liechtenstein,
(Signed) A. FRICK,
The Head of Government.

LUXEMBOURG[2]

[Translation from the French] 15 IX 30.

The Government of the Grand-Duchy of Luxembourg recognizes as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, in any disputes arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific

[1] Liechtenstein became a party to the Statute of the Court on 29 March 1950.
[2] The Government of Luxembourg had in 1921 signed the Optional Clause subject to ratification. That declaration was, however, never ratified.

settlement. The present declaration is made for a period of five years. Unless it is denounced six months before the expiration of that period, it shall be considered as renewed for a further period of five years and similarly thereafter.

Geneva, 15 September 1930.

(Signed) BECH.

MALAWI

12 XII 66.

On behalf of the Government of Malawi, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes which may arise in respect of facts or situations subsequent to this declaration concerning –

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation:

Provided that this declaration shall not apply to –

(i) disputes with regard to matters which are essentially within the domestic jurisdiction of the Republic of Malawi as determined by the Government of Malawi;
(ii) disputes in regard to which the parties of the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; or
(iii) disputes concerning any question relating to or arising out of belligerent or military occupation.

The Government of Malawi also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend, or withdraw any of the foregoing reservations or any that may hereafter be added. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Given under my hand in Zomba this 22nd day of November 1966.

(Signed) H. KAMUZU BANDA,
President and
Minister for External Affairs.

MALTA[1]

6 XII 66.

I have the honour to declare, on behalf of the Government of Malta, that Malta accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes with the government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree;

(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Malta;

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Malta have accepted obligations;

(v) disputes arising under a multilateral treaty, unless (1) all Parties to the treaty affected by the decision are also Parties to the case before the Court, or (2) the Government of Malta specially agrees to jurisdiction;

(vi) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Malta is a Party;

(vii) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(viii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

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[1] By letter of 13 May 1983 to the Secretary-General of the United Nations, the Minister for Foreign Affairs notified the withdrawal, with immediate effect, of a declaration concerning a particular category of disputes which was filed on 23 January 1981 and which is reproduced in *I.C.J. Yearbook 1981-1982*, p. 78.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Valletta, 29 November 1966.

(Signed) G. FELICE,
Acting Minister of Commonwealth
and Foreign Affairs.

2 IX 83.

I have the honour to refer to the declaration made by the Government of Malta on 29 November 1966, and notified on 6 December 1966, concerning the compulsory jurisdiction of the International Court of Justice and to give notice that, with effect from the moment this notification is received by Your Excellency, the acceptance of the Government of Malta of the jurisdiction of the Court shall be limited to all disputes with Malta other than

(1) the disputes mentioned in paragraphs (i) to (viii) both inclusive, of the said declaration, and
(2) the following categories of disputes, that is to say:

Disputes with Malta concerning or relating to:

(a) its territory, including the territorial sea, and the status thereof,
(b) the continental shelf or any other zone of maritime jurisdiction, and the resources thereof,
(c) the determination or delimitation of any of the above,
(d) the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Malta.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

(Signed) Alex SCEBERAS TRIGON,
Minister for Foreign Affairs.

MAURITIUS

23 IX 68.

I have the honour to declare, on behalf of the Government of Mauritius, that Mauritius accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(ii) disputes with the Government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;
(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Mauritius;
(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Mauritius has accepted obligations;
(v) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Mauritius is a party;
(vi) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and
(vii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Mauritius also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Port Louis, 4 September 1968.

(Signed) S. RAMGOOLAM,
Prime Minister
and Minister for External Affairs.

MEXICO

[Translation from the Spanish] 28 X 47.

In regard to any legal dispute that may in future arise between the United States of Mexico and any other State out of events subsequent to the date of this Declaration, the Mexican Government recognizes as compulsory *ipso facto*, and without any special agreement being required therefor, the jurisdiction of the International Court of Justice in accordance with Article 36, paragraph 2, of the Statute of the said Court, in relation to any other

State accepting the same obligation, that is, on condition of strict reciprocity. This Declaration, which does not apply to disputes arising from matters that, in the opinion of the Mexican Government, are within the domestic jurisdiction of the United States of Mexico, shall be binding for a period of five years as from 1 March 1947 and after that date shall continue in force until six months after the Mexican Government gives notice of denunciation.

Mexico, D.F., 23 October 1947.

(Signed) Jaime TORRES BODET,
Secretary of State for External Relations.

NAURU

29 I 88.

On behalf of the Government of the Republic of Nauru I declare that it accepts as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, and stipulate that the acceptance of the Court's jurisdiction shall extend to all disputes to which the Republic is or may be a party, other than any dispute with respect to which there exists a dispute settlement mechanism under an agreement between the Republic of Nauru and another State.

I further declare that the present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations.

In witness whereof under my hand and the Common Seal of the Republic of Nauru, *dated* this thirtieth day of the month of December, one thousand nine hundred and eighty-seven.

(Signed) Hammer DEROBURT,
President
and Minister for External Affairs,
Republic of Nauru.

NETHERLANDS

[Translation from the French] 1 VIII 56.

I hereby declare that the Government of the Kingdom of the Netherlands recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from 6 August 1956, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of said Court in all disputes arising or which may arise after 5 August 1921, with the exception of disputes in respect of

which the parties, excluding the jurisdiction of the International Court of Justice, may have agreed to have recourse to some other method of pacific settlement.

The aforesaid obligation is accepted for a period of five years and will be renewed by tacit agreement for additional periods of five years, unless notice is given, not less than six months before the expiry of any such period, that the Government of the Kingdom of the Netherlands does not wish to renew it.

The acceptance of the jurisdiction of the Court founded on the declaration of 5 August 1946[1] is terminated with effect from 6 August 1956.

New York, 1 August 1956.

(Signed) E. L. C. SCHIFF,
Acting Permanent Representative of the
Kingdom of the Netherlands to the United Nations.

NEW ZEALAND

22 IX 77.

I have the honour, by direction of the Minister of Foreign Affairs of New Zealand, to declare on behalf of the Government of New Zealand:

(I) The acceptance by the Government of New Zealand of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 1 April 1940[2] under Article 36 of the Statute of the Permanent Court of International Justice and made applicable to the International Court of Justice by paragraph 5 of Article 36 of the Statute of that Court, is hereby terminated.

(II) The Government of New Zealand accept as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court over all disputes other than:

(1) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(2) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute: or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;

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[1] United Nations, *Treaty Series*, I, No. 2, Vol. 1.
[2] *I.C.J. Yearbook 1976-1977*, pp. 69 f.

(3) disputes arising out of, or concerning, the jurisdiction or rights claimed or exercised by New Zealand in respect of the exploration, exploitation, conservation or management of the living resources in marine areas beyond and adjacent to the territorial sea of New Zealand but within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

This Declaration shall remain in force for a period of five years from 22 September 1977 and thereafter until the expiration of six months after notice has been given of the termination of this Declaration provided that the Government of New Zealand reserves the right at any time to amend this Declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 22 September 1977.

(Signed) M. J. C. TEMPLETON,
Permanent Representative of
New Zealand to the United Nations.

NICARAGUA[1]

[Translation from the French] 24 IX 29.

On behalf of the Republic of Nicaragua I recognize as compulsory unconditionally the jurisdiction of the Permanent Court of International Justice.

Geneva, 24 September 1929.

(Signed) T. F. MEDINA.

NIGERIA

3 IX 65.

Whereas under Article 93 of the United Nations Charter all Member States are *ipso facto* parties to the Statute of the International Court of Justice;

And whereas the Government of the Federal Republic of Nigeria has decided to accept the compulsory jurisdiction of the International Court of Justice and it is necessary to make a declaration in terms of Article 36 (2) of the Statute of the Court;

Now therefore, I, Nuhu Bamali, Minister of State for External Affairs, hereby declare that the Government of the Federal Republic of Nigeria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on

[1] See the Court's Judgment of 26 November 1984 (*I.C.J. Reports 1984*, p. 392).

the sole condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court.

Done at Lagos, this 14th day of August, one thousand nine hundred and sixty-five.

(Signed) Nuhu BAMALI,
Minister of State for External Affairs.

NORWAY[1]

2 IV 76.

I hereby declare on behalf of the Royal Norwegian Government that Norway recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years as from 3 October 1976. This declaration shall thereafter be tacitly renewed for additional periods of five years, unless notice of termination is given not less than six months before the expiration of the current period; provided, however, that the Royal Norwegian Government, having regard to Article 95 of the Charter of the United Nations, reserves the right at any time to amend the scope of this declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 2 April 1976.

(Signed) Ole ÅLGÅRD,
Permanent Representative of
Norway to the United Nations.

PAKISTAN[2]

13 IX 60.

I have the honour, by direction of the President of Pakistan, to make the following declaration on behalf of the Government of Pakistan under Article 36, paragraph 2, of the Statute of the International Court of Justice:

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[1] This declaration replaced that of 17 December 1956 (United Nations, *Treaty Series*, I, No. 3642, Vol. 256).

[2] This declaration replaced that of 23 May 1957 (United Nations, *Treaty Series*, I, No. 3875, Vol. 269) notice of the withdrawal and termination of which was given by letter of 12 September 1960 received on the following day by the Secretary-General of the United Nations.

READEX FICHE

The Government of Pakistan recognize as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes after 24 June 1948, arising, concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that the declaration shall not apply to:

(a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or
(b) disputes relating to questions which by international law fall exclusively within the domestic jurisdiction of Pakistan;
(c) disputes arising under a multilateral treaty unless

(i) all parties to the treaty affected by the decision are also parties to the case before the Court, or
(ii) the Government of Pakistan specially agree to jurisdiction; and provided further, that this Declaration shall remain in force till such time as notice may be given to terminate it.

New York, 12 September 1960.

(Signed) Said HASAN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Pakistan to the
United Nations.

PANAMA[1]

[Translation from the French] 25 X 21.

On behalf of the Government of Panama, I recognize, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.

Paris, 25 October 1921.

(Signed) R. A. AMADOR,
Chargé d'affaires.

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[1] An instrument of ratification was deposited on 14 June 1929. Cf. the footnote to Colombia, p. 66, above.

PHILIPPINES[1]

18 I 72.

I, Carlos P. Romulo, Secretary of Foreign Affairs of the Republic of the Philippines, hereby declare, under Article 36, paragraph 2, of the Statute of the International Court of Justice, that the Republic of the Philippines recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes arising hereafter concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that this declaration shall not apply to any dispute –

(a) in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement; or
(b) which the Republic of the Philippines considers to be essentially within its domestic jurisdiction; or
(c) in respect of which the other party has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of such dispute; or where the acceptance of the compulsory jurisdiction was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court; or
(d) arising under a multilateral treaty, unless (1) all parties to the treaty are also parties to the case before the Court, or (2) the Republic of the Philippines specially agrees to jurisdiction; or
(e) arising out of or concerning jurisdiction or rights claimed or exercised by the Philippines –
  (i) in respect of the natural resources, including living organisms belonging to sedentary species, of the sea-bed and subsoil of the continental shelf of the Philippines, or its analogue in an archipelago, as described in Proclamation No. 370 dated 20 March 1968 of the President of the Republic of the Philippines; or
  (ii) in respect of the territory of the Republic of the Philippines, including its territorial seas and inland waters; and

[1] This declaration replaced that of 12 July 1947 (United Nations, *Treaty Series*, I, No. 101, Vol. 7).

Provided, further, that this declaration shall remain in force until notice is given to the Secretary-General of the United Nations of its termination.

Done at Manila this 23rd day of December 1971.

(Signed) Carlos P. ROMULO,
Secretary of Foreign Affairs.

PORTUGAL

19 XII 55.

Under Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare on behalf of the Portuguese Government that Portugal recognizes the jurisdiction of this Court as compulsory *ipso facto* and without special agreement, as provided for in the said paragraph 2 of Article 36 and under the following conditions:

(1) the present declaration covers disputes arising out of events both prior and subsequent to the declaration of acceptance of the "optional clause" which Portugal made on 16 December 1920 as a party to the Statute of the Permanent Court of International Justice;
(2) the present declaration enters into force at the moment it is deposited with the Secretary-General of the United Nations; it shall be valid for a period of one year, and thereafter until notice of its denunciation is given to the said Secretary-General;
(3) the Portuguese Government reserves the right to exclude from the scope of the present declaration, at any time during its validity, any given category or categories of disputes, by notifying the Secretary-General of the United Nations and with effect from the moment of such notification.

Washington, D.C., 19 December 1955.

(Signed) L. ESTEVES FERNANDES.

SENEGAL[1]

[Translation from the French] 2 XII 85.

I have the honour, on behalf of the Government of the Republic of Senegal, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, it accepts on condition of reciprocity as compulsory *ipso facto* and without special convention, in relation to any other State accepting the same obligation, the jurisdiction of the Court over all legal disputes arising after the present declaration, concerning:

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[1] This declaration replaced that of 3 May 1985 (*I.C.J. Yearbook 1984-1985*, p. 93).

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of international obligation.

This declaration is made on condition of reciprocity on the part of all States. However, Senegal may reject the Court's competence in respect of:

- Disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- Disputes with regard to questions which, under international law, fall exclusively within the jurisdiction of Senegal.

Lastly, the Government of the Republic of Senegal reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend or withdraw the foregoing reservations.

Such notification would take effect on the date of its receipt by the Secretary-General.

Dakar, 22 October 1985.

(Signed) Ibrahim FALL,
Minister of Foreign Affairs
of the Republic of Senegal.

SOMALIA

11 IV 63.

I have the honour to declare on behalf of the Government of the Somali Republic that the Somali Republic accepts as compulsory *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all legal disputes arising other than disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court.

The Somali Republic also reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations,

and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Mogadishu, 25 March 1963.

(Signed) Abdullahi Issa,
Minister for Foreign Affairs.

SUDAN

2 I 58.

I have the honour by direction of the Ministry of Foreign Affairs to declare, on behalf of the Government of the Republic of the Sudan, that in pursuance of paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Government of the Republic of the Sudan recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, until such time as notice may be given to terminate this declaration, the jurisdiction of the International Court of Justice in all legal disputes arising after the first day of January 1956 with regard to situations or facts subsequent to that date concerning:

(a) the interpretation of a treaty concluded or ratified by the Republic of the Sudan on or after the first day of January 1956;
(b) any question of international law;
(c) the existence of any fact, which, if established, would constitute a breach of an international obligation; or
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

but excluding the following:

(i) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(ii) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of the Sudan as determined by the Government of the Republic of the Sudan;
(iii) disputes arising out of events occurring during any period in which the Republic of the Sudan is engaged in hostilities as a belligerent.

New York, 30 December 1957.

(Signed) Yacoub Osman,
Permanent Representative of the Sudan
to the United Nations.

SURINAME

31 VIII 87.

I have the honour by direction of the Minister of Foreign Affairs of the Republic of Suriname, to declare on behalf of the Government of Suriname:

The Government of the Republic of Suriname recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from the seventh September 1987, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes, which have arisen prior to this Declaration or may arise after this Declaration, with the exception of:

(A) disputes which have arisen or may arise with respect to or in relation with the borders of the Republic of Suriname;
(B) disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, have agreed to settlement by means of arbitration, mediation or other methods of conciliation and accommodation.

This Declaration shall be binding for a period of five years and shall continue in force after that period until twelve months after the Government of the Republic of Suriname has given notice of its termination.

New York, 31 August 1987.

(Signed) W. H. Werner VREEDZAAM,
Chargé d'affaires of the Permanent Mission
of the Republic of Suriname
to the United Nations.

SWAZILAND

26 V 69.

I, Prince Makhosini Jameson Dlamini, Prime Minister of the Kingdom of Swaziland to whom His Majesty has delegated responsibility for the conduct of foreign affairs, have the honour to declare on behalf of the Government of the Kingdom of Swaziland, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(a) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or
(b) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Kingdom of Swaziland.

The Government of the Kingdom of Swaziland also reserves the right to add to, amend or withdraw this Declaration by means of a notification addressed to the Secretary-General of the United Nations, with effect as from the moment of such notification.

Mbabane, 9 May 1969.

(Signed) Makhosini Jameson DLAMINI,
Prime Minister and Minister
for Foreign Affairs.

SWEDEN[1]

[Translation from the French] 6 IV 57.

On behalf of the Royal Swedish Government, I declare that it accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the said Court, for a period of five years as from 6 April 1957. This obligation shall be renewed by tacit agreement for further periods of the same duration unless notice of abrogation is made at least six months before the expiration of any such period. The above-mentioned obligation is accepted only in respect of disputes which may arise with regard to situations or facts subsequent to 6 April 1947.

New York, 6 April 1957.

(Signed) Claes CARBONNIER,
Permanent Representative *a.i.*
of Sweden to the United Nations.

SWITZERLAND

[Translation from the French] 28 VII 48.

The Swiss Federal Council, duly authorized for that purpose by a Federal decree which was adopted on 12 March 1948 by the Federal Assembly of the Swiss Confederation and became operative on 17 June 1948,

Hereby declares that the Swiss Confederation recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;

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[1] This declaration replaced that of 5 April 1947, which had been made for a period of ten years (United Nations, *Treaty Series*, I, No. 16, Vol. 2).

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Swiss Confederation becomes a party to that Statute[1] and shall have effect as long as it has not been abrogated subject to one year's notice.

Done at Berne, 6 July 1948.

On behalf of the Swiss Federal Council:

(Signed) CELIO,

The President of the Confederation.

(Signed) LEIMGRUBER,

The Chancellor of the Confederation.

TOGO

[Translation from the French] 25 X 1979.

The Togolese Republic,

Represented by His Excellency Mr. Akanyi-Awunyo Kodjovi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Togo to the United Nations,

Acting pursuant to the provisions of Article 36, paragraphs 2 and 3, of the Statute of the International Court of Justice, annexed to the Charter of the United Nations,

Guided by its constant concern to ensure the peaceful and equitable settlement of all international disputes, particularly those in which it might be involved, and desiring to contribute to the strengthening of the international legal order based on the principles set forth in the Charter of the United Nations,

Declares that it recognizes as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, that is, subject to reciprocity, the jurisdiction of the International Court of Justice in all disputes concerning:

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration has been made for an unlimited period subject to

[1] Switzerland became a party to the Statute of the Court on 28 July 1948.

the power of denunciation and modification attached to any obligation assumed by a sovereign State in its international relations. It will enter into force on the day on which it is received by the United Nations Secretariat.

New York, 24 October 1979.

(Signed) Akanyi-Awunyo KODJOVI.

UGANDA

3 X 63.

I hereby declare on behalf of the Government of Uganda that Uganda recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, and on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court.

New York, 3 October 1963.

(Signed) Apollo K. KIRONDE,
Ambassador and Permanent Representative
of Uganda to the United Nations.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND[1]

1 I 69.

I have the honour, by direction of Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, to declare on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland that they accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 24 October 1945, with regard to situations or facts subsequent to the same date, other than:

(i) any dispute which the United Kingdom

(a) has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement; or

(b) has already submitted to arbitration by agreement with any State which had not at the time of submission accepted the compulsory jurisdiction of the International Court of Justice;

(ii) disputes with the government of any other country which is a Member

[1] This declaration replaced that of 27 November 1963 (United Nations, *Treaty Series*, I, No. 6995, Vol. 482), notice of the withdrawal and termination of which was given by letter of 1 January 1969, received by the Secretary-General of the United Nations on that date.

of the Commonwealth with regard to situations or facts existing before 1 January 1969;

(iii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of the United Kingdom also reserve the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

New York, 1 January 1969.

(Signed) L. C. GLASS.

URUGUAY[1]

[Translation from the French] *Prior to* 28 I 21[2].

On behalf of the Government of Uruguay, I recognize, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) B. FERNANDEZ Y MEDINA.

ZAIRE

[Translation from the French] 8 II 89.

... in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Executive Council of the Republic of Zaire recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

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[1] An instrument of ratification was deposited on 27 September 1921. Cf. the footnote to Colombia, p. 66, above.

[2] The date on which this declaration (undated) was first published in a League of Nations document.

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

It is understood further that this declaration will remain in force until notice of its revocation is given.

(Signed) Bagbeni Adeito NZENGEYA,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Zaire
to the United Nations.

III. CHRONOLOGICAL LIST OF OTHER INSTRUMENTS GOVERNING THE JURISDICTION OF THE COURT

Below is a chronological list of treaties and other instruments *notified to the Registry* following registration, classification or recording at the Secretariat of the United Nations which (in addition to certain texts referred to in Section I of the present chapter, the declarations reproduced in Section II and the special agreements whereby particular cases were submitted to the Court) contain clauses relating to the jurisdiction of the Court in contentious proceedings. Such clauses generally provide that disputes concerning the application or interpretation of the instrument may be referred to the Court for decision. For each instrument, the table mentions the date and place of signature, the title of the instrument, the relevant clause and the contracting parties, and also the number under which it has been registered or filed and recorded by the Secretariat and the volume in the United Nations *Treaty Series* in which it has been or will be published.

Where instruments prior to 1946 are mentioned they are instruments relating to the jurisdiction of the *Permanent Court of International Justice* which have been filed and recorded by the Secretariat of the United Nations and appear in the *Treaty Series* of the United Nations.

The fact that a treaty is or is not included in this section is without prejudice to its possible application by the Court in a particular case.

Any instrument not mentioned in previous *I.C.J. Yearbooks* is indicated by an asterisk.

1933	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 May	Ottawa	Convention concerning the rights of nationals and commercial and shipping matters (Art. 20)	Canada/France	II:545 Vol. 253
1939				
17 Dec.	Bogotá	Treaty of non-aggression, conciliation and judicial settlement (Art. XXIV)	Colombia/ Venezuela	II:896
1940				
30 Mar.	Caracas	Treaty for the pacific settlement of disputes	Brazil/ Venezuela	II:195 Vol. 51

1944	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
7 Dec.	Chicago	International air services transit agreement (Art. II, Sec. 2)	Multilateral	II:252 Vol. 84
7 Dec.	Chicago	International air transport agreement (Art. IV, Sec. 3)	Multilateral	II:502 Vol. 171
1946				
17 Apr.	Luxembourg	Convention concerning the Luxembourg railways (Art. 12)	Luxembourg/ Belgium/France	I:402 Vol. 27
4 Nov.	Nanking	Treaty of friendship, commerce and navigation (Art. XXVIII)	China[1]/ United States	I:359 Vol. 25
11 Dec.[2]	Lake Success	International convention relating to dangerous drugs, signed at Geneva, 19 Feb. 1925, as amended (Art. 32)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended (Art. 25)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for the suppression of illicit traffic in dangerous drugs, signed at Geneva on 26 June 1936, as amended (Art. 17)	Multilateral	I:186 Vol. 12
1947				
18 Apr.	Manila	Treaty of amity (Art. 2)	China[1]/Philippines	I:175 Vol. 11
9 July	Rome	Treaty of friendship and general relations (Art. V)	Italy/Philippines	I:674 Vol. 44
17 Oct.	London	Treaty regarding recognition of Burmese independence (Art. 14)	United Kingdom/ Burma	I:904 Vol. 70
12 Nov.[2]	Lake Success	Convention (concluded at Geneva on 12 Sep. 1923) for the suppression of the circulation of and traffic in obscene publications, as amended (Art. 15)	Multilateral	I:710 Vol. 46
12 Nov.[2]	Lake Success	Convention (concluded at Geneva on 11 Oct. 1933) for the suppression of traffic in women of full age, as amended (Art. 4)	Multilateral	I:772 Vol. 53

[1] All entries recorded throughout this Section in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions, and are to be understood in the light of General Assembly resolution 2758 (XXVI) of 25 October 1971.

[2] The date and place given here are those of the signature of the amending protocol.

1948	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
24 Jan.	Paris	Agreement concerning monetary and financial relations (Art. 23)	France/Lebanon	I:2263 Vol. 173
2 Feb.	Rome	Treaty of friendship, commerce and navigation (Art. XXVI)	United States/ Italy	I:1040 Vol. 79
30 Apr.	Bogotá	American treaty on pacific settlement	Multilateral	I:449 Vol. 30
21 May	New Delhi	Agreement relating to air services (Art. XI)	India/Sweden	I:543 Vol. 34
23 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/India	I:423 Vol. 28
28 June	Rome	Economic co-operation agreement (Art. X)	United States/ Italy	I:314 Vol. 20
28 June	Paris	Economic co-operation agreement (Art. X)	United States/ France	I:302 Vol. 19
29 June	Copenhagen	Economic co-operation agreement (Art. X)	United States/ Denmark	I:338 Vol. 22
2 July	Vienna	Economic co-operation agreement (Art. IX)	United States/ Austria	I:323 Vol. 21
2 July	The Hague	Economic co-operation agreement (Art. X)	United States/ Netherlands	I:315 Vol. 20
2 July	Athens	Economic co-operation agreement (Art. X)	United States/ Greece	I:342 Vol. 23
2 July	Brussels	Economic co-operation agreement (Art. X)	United States/ Belgium	I:309 Vol. 19
3 July	Oslo	Economic co-operation agreement (Art. X)	United States/ Norway	I:317 Vol. 20
3 July	Reykjavik	Economic co-operation agreement (Art. X)	United States/ Iceland	I:316 Vol. 20
3 July	Nanking	Economic aid agreement (Art. XI)	United States/ China[1]	I:273 Vols. 17 and 45
3 July	Luxembourg	Economic co-operation agreement (Art. X)	United States/ Luxembourg	I:350 Vol. 24
3 July	Stockholm	Economic co-operation agreement (Art. IX)	United States/ Sweden	I:343 Vol. 23
4 July	Ankara	Economic co-operation agreement (Art. IX)	United States/ Turkey	I:351 Vol. 24
6 July	London	Economic co-operation agreement (Art. X)	United States/ United Kingdom	I:339 Vol. 22
28 Sep.	Lisbon	Economic co-operation agreement, as amended (Art. X)	United States/ Portugal	I:442 Vol. 29
6 Oct.	Beirut	Treaty concerning consular arrangements, navigation, civil and commercial rights and establishment (Art. 33)	Greece/Lebanon	I:1179 Vol. 87
15/29 Nov.	Washington	*cf.* 1961, 23 Nov.		

[1] See note 1, p. 99.

1948 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
9 Dec.	Paris (opened for signature)	Convention on the prevention and punishment of the crime of genocide (Art. IX)	Multilateral	I:1021 Vol. 78
1949				
3 Jan.	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Ceylon	I:428 Vol. 28
28 Apr.	Lake Success (opened for accession)	Revised general act for the pacific settlement of international disputes	Multilateral	I:912 Vol. 71
14 June	Washington	Treaty of friendship (Art. II)	Thailand/ Philippines	I:1062 Vol. 81
4 July	Berne	Convention concerning the construction and use of the Bâle-Mulhouse airport at Blotzheim (Art. 20)	France/ Switzerland	I:22048
15 July	Lake Success (opened for signature)	Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character (Art. IX)	Multilateral	I:2631 Vol. 197
30 Aug.	Ottawa	Agreement relating to air services (Art. 9)	Canada/Belgium	I:782 Vol. 53
10 Sep.	Guatemala City	Treaty of peace, friendship and co-operation (Art. 7)	Guatemala/Italy	I:1410 Vol. 102
19 Sep.	Geneva	Convention on road traffic (Art. 33)	Multilateral	I:1671 Vol. 125
20 Sep.	Beirut	Air transport agreement (Art. IX)	Netherlands/ Lebanon	I:1474 Vol. 108
20 Oct.	New Delhi	Agreement relating to air services (Art. XI)	India/Philippines	I:934 Vol. 72
31 Oct.	Tehran	Agreement relating to air services (Art. 12)	Netherlands/Iran	I:3596 Vol. 254
1950				
12 Jan.	Canberra	Agreement relating to air services (Art. XII)	Australia/Ceylon	I:789 Vol. 53
21 Jan.	Dublin	Treaty of friendship, commerce and navigation (Art. XXIII)	United States/ Ireland	I:2792 Vol. 206
27 Jan.	Mexico City	Commercial agreement (Art. VII)	Netherlands/ Mexico	I:1661 Vol. 123
18 Feb.	Tehran	Treaty of friendship (Art. IV)	Iran/Pakistan	I:2119 Vol. 161
21 Mar.	Lake Success (opened for signature)	Convention for suppression of traffic in persons and of exploitation of prostitution of others (Art. 22)	Multilateral	I:1342 Vol. 96
24 Mar.	Rome	Treaty of friendship, conciliation and judicial settlement (Arts. 18-24)	Turkey/Italy	I:1338 Vol. 96
6 Aug.	Cairo	Agreement relating to air transport services (Art. XVI)	Egypt/France	I:1710 Vol. 127

1950 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
16 Aug.	Wellington	Agreement relating to air services (Art. X)	New Zealand/ Canada	I:1002 Vol. 77
28 Aug.	Manila	Treaty of friendship, consular services and establishment (Art. II)	Greece/ Philippines	I:3097 Vol. 225
16 Sep.	Brussels	Commercial agreement (Art. 7)	Belgo-Luxembourg Economic Union/ Mexico	I:2523 Vol. 188
15 Dec.	London	Trade agreement (Art. 8)	United Kingdom/ Norway	I:1459 Vol. 106
1951				
2 Feb.	Paris	Treaty of cession of the territory of the Free Town of Chandernagore (Art. XI)	India/France	I:2744 Vol. 203
22 Feb.	Oslo	Consular convention (Art. 34)	United Kingdom/ Norway	I:4713 Vol. 326
8 May	London	Agreement for air services (Art. 10)	Belgium/ United Kingdom	I:2079 Vol. 158
24 May	New Delhi	Agreement relating to air services (Art. XI)	India/Netherlands	I:1471 Vol. 108
18 June	Tehran	Agreement relating to air services (Art. 12)	Denmark/Iran	I:3602 Vol. 255
28 July	Geneva (opened for signature)	Convention relating to the status of refugees (Art. 38)	Multilateral	I:2545 Vol. 189
3 Aug.	Athens	Treaty of friendship, commerce and navigation (Art. XXVI)	Greece/ United States	I:3080 Vol. 224
23 Aug.	Washington	Treaty of friendship, commerce and navigation (Art. XXIV)	Israel/ United States	I:2979 Vol. 219
7 Sep.	Addis Ababa	Treaty of amity and economic relations (Art. XVII)	United States/ Ethiopia	I:2785 Vol. 206
8 Sep.	San Francisco	Treaty of peace with Japan (Art. 22)	Multilateral	I:1832 Vol. 136
25 Sep.	Canberra	Agreement relating to air services (Art. VIII)	Netherlands/ Australia	I:1713 Vol. 128
1 Oct.	Copenhagen	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Denmark	I:6056 Vol. 421
31 Dec.	Paris	Consular convention (Art. 49)	France/United Kingdom	I:4744 Vol. 330
1952				
14 Mar.	Stockholm	Consular convention (Art. 34)	Sweden/United Kingdom	I:2731 Vol. 202
9 May	Tel Aviv	Agreement for economic assistance (Art. VIII)	United States/ Israel	I:2326 Vol. 177
14 June	Cairo	Agreement relating to air services (Art. XIV)	Australia/Egypt	I:2269 Vol. 173
11 July	Manila	Treaty of friendship (Art. II)	India/Philippines	I:2741 Vol. 203

1952 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
17 July	Karachi	Agreement relating to air services (Art. XI)	Pakistan/ Netherlands	I:1980 Vol. 150
29 Aug.	Cairo	Agreement relating to air services (Art. XI)	Ethiopia/Pakistan	I:1979 Vol. 150
6 Sep.	Geneva	Universal copyright convention (Art. XV)	Multilateral	I:2937 Vol. 216
1953				
31 Mar.	New York (opened for signature)	Convention on the political rights of women (Art. IX)	Multilateral	I:2613 Vol. 193
31 Mar.	New York (opened for signature)	Convention on the international right of correction (Art. V)	Multilateral	I:6280 Vol. 435
2 Apr.	Tokyo	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Japan	I:2788 Vol. 206
17 Apr.	Athens	Consular convention (Art. 35)	Greece/United Kingdom	I:2582 Vol. 191
27 Apr.	Bangkok	Agreement relating to air services (Art. 10)	Thailand/ Philippines	I:2274 Vol. 174
23 June	New York (opened for signature)	Protocol for limiting and regulating cultivation of poppy plant, production of, international and wholesale trade in, and use of opium (Art. 15)	Multilateral	I:6555 Vol. 456
1 July	Paris (opened for signature)	Convention for the establishment of a European Organization for Nuclear Research (Art. XI)	Multilateral	I:2701 Vol. 200
14 Sep.	Colombo	Agreement for air services (Art. 11)	Netherlands/ Ceylon	I:2608 Vol. 193
24 Sep.	Helsinki	Agreement concerning a supplement to the convention of 30 January 1926 for the pacific settlement of disputes	Finland/Denmark	I:2532 Vol. 188
26 Sep.	Madrid	Economic aids agreement (Art. IX)	Spain/ United States	I:2802 Vol. 207
19 Oct.	Venice	Constitution of the Intergovernmental Committee for European Migration (Art. 30)	Multilateral	I:2807 Vol. 207
7 Dec.[1]	New York	Slavery convention signed at Geneva on 25 Sep. 1926, as amended (Art. 8)	Multilateral	I:2861 Vol. 212
24 Dec.	Beirut	Agreement for air services (Art. 10)	Belgium/Lebanon	I:2972 Vol. 219

[1] The date and the place given here are those at which the amending protocol was opened for signature.

1954	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
16 Feb.	Paris	Convention on conditions of residence and navigation (Art. 13)	Sweden/France	I:3147 Vol. 228
3 Mar.	Bangkok	Treaty of friendship (Art. VI)	Thailand/ Indonesia	I:2893 Vol. 213
20 Mar.	Mexico City	Consular convention (Art. 36)	United Kingdom/ Mexico	I:4750 Vol. 331
17 Apr.	Beirut	Agreement relating to air services (Art. XIII)	Yugoslavia/ Lebanon	I:8713 Vol. 602
12 May	London (opened for signature)	International convention for the prevention of pollution of the sea by oil (Art. XIII)	Multilateral	I:4714 Vol. 327
1 June	Rome	Consular convention (Art. 37)	United Kingdom/ Italy	I:5798 Vol. 403
28 Sep.	New York	Convention relating to the status of stateless persons (Art. 34)	Multilateral	I:5158 Vol. 360
13 Oct.	Paris (opened for signature)	International convention on the standardization of methods of analysing and appreciating wines (Art. 6)	Multilateral	I:10416 Vol. 724
23 Oct.[1]	Paris	Treaty for collaboration in economic, social and cultural matters and for collective self-defence, signed at Brussels on 17 March 1948, as amended (Art. X)	Belgium, France, Luxembourg, Netherlands, United Kingdom, Fed. Rep. of Germany, Italy	I:304 Vols. 19 and 211
29 Oct.	Washington	Treaty of friendship, commerce and navigation (Art. XXVII)	United States/ Fed. Rep. of Germany	I:3943 Vol. 273
5 Nov.	Rangoon	Treaty of peace (Art. IX)	Burma/Japan	I:3542 Vol. 251
24 Nov.	Rio de Janeiro	Agreement concerning conciliation and judicial settlement (Arts. 16-22)	Italy/Brazil	I:4146 Vol. 284
1 Dec.[2]	Paris	Agreement concerning the International Institute of Refrigeration, replacing the convention of 21 June 1920 (Art. XXXIII)	Multilateral	I:11837 Vol. 826
14 Dec.	Quito	Air transport agreement (Art. VIII)	Netherlands/ Ecuador	I:3233 Vol. 232
1955				
31 Jan.	Manila	Agreement for air services (Art. 11)	Philippines/United Kingdom	I:2932 Vol. 216

[1] The date and the place given here are those of the signature of the protocol modifying and completing the Treaty, by which Article VIII of the Treaty became Article X.

[2] The date and place given here are those of the signature of the revised Convention.

1955 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
5 Mar.	Paris	Consular convention (Art. 44)	Sweden/France	I:6150 Vol. 427
15 Aug.	Tehran	Treaty of amity, economic relations and consular rights (Art. XXI)	United States/Iran	I:4132 Vol. 284
17 Sep.	Lugano	Convention concerning the regulation of Lake Lugano (Art. XI)	Italy/ Switzerland	I:4257 Vol. 291
20 Oct.	Berne	Additional protocol to the convention concerning the constitution of "Eurofima" (Art. 14)	Multilateral	I:5425 Vol. 378
21 Oct.	Beirut	Air transport agreement (Art. 11)	Denmark/Lebanon	I:3482 Vol. 248
13 Dec.	Paris	European convention on establishment (Art. 31)	Multilateral	I:7660 Vol. 529
1956				
27 Mar.	The Hague	Treaty of friendship, commerce and navigation (Art. XXV)	Netherlands/ United States	I:4154 Vol. 285
30 Apr.	Paris	Agreement on commercial rights of non-scheduled air services in Europe (Art. 4)	Multilateral	I:4494 Vol. 310
19 May	Geneva (opened for signature)	Convention on the contract for the international carriage of goods by road (Art. 47)	Multilateral	I:5742 Vol. 399
20 June	New York (opened for signature)	Convention on the recovery abroad of maintenance (Art. 16)	Multilateral	I:3850 Vol. 268
30 July	Bonn	Consular convention (Art. 41)	United Kingdom/ Fed. Rep. of Germany	I:4748 Vol. 330
30 Aug.	Manila	Treaty of friendship (Art. 2)	Philippines/ Switzerland	I:4284 Vol. 293
7 Sep.	Geneva	Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery (Art. 10)	Multilateral	I:3822 Vol. 266
28 Nov.	Seoul	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Rep. of Korea	I:4367 Vol. 302
11 Dec.	Athens	Convention on judicial settlement	Greece/Sweden	I:4316 Vol. 299
1957				
20 Feb.	New York (opened for signature)	Convention on the nationality of married women (Art. 10)	Multilateral	I:4468 Vol. 309
28 Feb.	Tokyo	Treaty of commerce and navigation (Art. XVIII, para. 2)	Norway/Japan	I:4054 Vol. 280

1957 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
24 Apr.	Cairo	Declaration on the Suez Canal and the arrangements for its operation (para. 9)	Egypt[1]	I:3821 Vol. 265
29 Apr.	Strasbourg (opened for signature)	European convention for the peaceful settlement of disputes	Multilateral	I:4646 Vol. 320
23 June	Kabul	Agreement relating to air services (Art. XI)	Pakistan/ Afghanistan	I:4717 Vol. 327
23 Nov.	The Hague	Agreement relating to refugee seamen (Art. 14)	Multilateral	I:7384 Vol. 506
1958				
20 Jan.	Djakarta	Treaty of peace (Art. 6)	Japan/Indonesia	I:4688 Vol. 324
3 Feb.	The Hague	Treaty instituting the Benelux Economic Union (Art. 50)	Belgium, Luxembourg, Netherlands	I:5471 Vol. 381
5 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Norway/Pakistan	I:4769 Vol. 334
6 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Sweden/Pakistan	I:5656 Vol. 393
10 Apr.	Copenhagen	Agreement relating to air services (Art. XI)	Denmark/Pakistan	I:4353 Vol. 302
14 Apr.	Tehran	Agreement concerning air transport (Art. 13)	Belgium/Iran	I:5473 Vol. 381
29 Apr.	Geneva (opened for signature)	Optional protocol of signature concerning the compulsory settlement of disputes[2]	Multilateral	I:6466 Vol. 450
7 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Portugal	I:4645 Vol. 320
4 July	Karachi	Agreement relating to air services (Art. XI)	Belgium/ Pakistan	I:5569 Vol. 387
21 July	Vienna	Agreement relating to air services (Art. XI)	Austria/ Afghanistan	I:9236 Vol. 645
28 Nov.	Monrovia	Agreement for the establishment and operation of air services (Art. 9)	Liberia/ Netherlands	I:5651 Vol. 393
1959				
30 Jan.	Tegucigalpa	Agreement on commerce (Art. XII)	Belgium, Luxembourg, Netherlands/ Honduras	I:9234 Vol. 645
16 July	Rome	Agreement relating to air services (Art. XI)	India/Italy	I:6714 Vol. 464

[1] See Sec. II, p. 70, above.

[2] This Protocol relates to disputes concerning the Geneva Conventions on the Law of the Sea of 29 April 1958.

1959 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 Nov.	Washington	Treaty of friendship and commerce (Art. XXIII)	United States/ Pakistan	I:5816 Vol. 404
19 Nov.	Rome	Convention placing the International Poplar Commission within the framework of FAO (Art. XV)	Multilateral	I:5902 Vol. 410
25 Nov.	Paris	Convention of establishment (Art. XVI)	United States/ France	I:5764 Vol. 401
25 Nov.	Bonn	Treaty for the promotion and protection of investments (Art. 11)	Pakistan/Fed. Rep. of Germany	I:6575 Vol. 457
1 Dec.	Washington	Antarctic treaty (Art. XI)	Multilateral	I:5778 Vol. 402
9 Dec.	Monrovia	Agreement relating to air services (Art. VIII)	Sweden/Liberia	I:6716 Vol. 464
1960				
13 Feb.[1]	Beirut	Agreement for air transport of 24 Jan. 1949, as amended (Art. 9)	Italy/Lebanon	I:3223 Vol. 497
9 Mar.	Conakry	Air transport agreement (Art. 9)	Netherlands/ Guinea	I:5646 Vol. 392
15 Mar.	Geneva	Convention relating to the unification of certain rules concerning collisions in inland navigation (Art. 14)	Multilateral	I:8310 Vol. 572
24 Mar.	Berne	Agreement concerning air services (Art. 9)	Belgium/ Switzerland	I:5996 Vol. 416
8 Apr.	The Hague	Treaty concerning arrangements for co-operation in the Ems estuary (Art. 46)	Netherlands/ Fed. Rep. of Germany	I:7404 Vol. 509
8 Apr.	The Hague	Agreement to accept the compulsory jurisdiction of the International Court of Justice in disputes concerning the interpretation or application of the revised convention on Rhine navigation, 1868	Netherlands/ Fed. Rep. of Germany	I:7404 Vol. 509
24 June	Vienna	Consular convention (Art. 45)	United Kingdom/ Austria	I:7327 Vol. 502
19 Oct.	Amman	Agreement relating to air services (Art. 9)	Belgium/Jordan	I:6959 Vol. 479
14 Dec.	Paris	Convention against discrimination in education (Art. 8)	Multilateral	I:6193 Vol. 429

[1] The date given here is the date of signature of the amending protocol.

1960 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 Dec.[1]	New Delhi	Agreement of 11 July 1949 relating to air services, as amended (Art. X)	India/Australia	I:552 Vols. 35 and 425
18 Dec.	Tokyo	Treaty of friendship and commerce (Art. XIII)	Pakistan/Japan	I:6093 Vol. 423
1961				
21 Feb.	Brussels	Treaty of friendship, establishment and navigation (Art. 19)	Belgium/ United States	I:6967 Vol. 480
8 Mar.	Brussels	Consular convention (Art. 43)	Belgium/ United Kingdom	I:7554 Vol. 523
11 Mar.	Reykjavik	Exchange of notes constituting an agreement settling the fisheries dispute	Iceland/United Kingdom	I:5710 Vol. 397
30 Mar.	New York	Single convention on narcotic drugs (Art. 48)	Multilateral	I:7515 Vol. 520
3 Apr.	Saigon	Treaty of amity and economic relations (Art. XIV)	United States/ Republic of Viet Nam	I:6106 Vol. 424
18 Apr.	Vienna	Optional protocol to the Vienna convention on diplomatic relations concerning the compulsory settlement of disputes	Multilateral	I:7312 Vol. 500
30 May	Madrid	Consular convention (Art. 53)	United Kingdom/ Spain	I:8198 Vol. 562
17 June	Conakry	Air transport agreement (Art. 9)	Sweden/Guinea	I:6729 Vol. 465
19 July	Reykjavik	Exchange of notes constituting an agreement concerning the fishery zone round Iceland	Iceland/ Fed. Rep. of Germany	I:5877 Vol. 409
27 July	Beirut	Agreement for the establishment and operation of air services (Art. XII)	Lebanon/Liberia	I:11304 Vol. 794
24 Aug.	Amman	Agreement relating to air services (Art. 9)	Netherlands/ Jordan	I:6733 Vol. 466
30 Aug.	New York	Convention on the reduction of statelessness (Art. 14)	Multilateral	I:14458 Vol. 989
31 Aug.	Monrovia	Agreement relating to air services (Art. XII)	Switzerland/ Liberia	I:8160 Vol. 559
26 Oct.	Rome	International convention for the protection of performers, producers of phonograms and broadcasting organizations (Art. 30)	Multilateral	I:7247 Vol. 496

[1] The date given here is that of the exchange of notes which modified the Agreement and by which Article XI became Article X.

1961 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
23 Nov.[1]	Rome	Constitution of the International Rice Commission, adopted at Washington 15/29 Nov. 1948, as amended (Art. XI)	Multilateral	I:1613 Vol. 418
23 Nov.[1]	Rome	Agreement for the establishment of Indo-Pacific Fisheries Council, adopted at Washington 15/29 Nov. 1948, as amended (Art. XIII)	Multilateral	I:1615 Vol. 418
1962				
23 Feb.	Luxembourg	Treaty of friendship, establishment and navigation (Art. XVII)	United States/ Luxembourg	I:6868 Vol. 474
19 Mar.	Evian	*cf.* 1962, 3 July		
21 June	Paris	Air transport agreement (Art. 9)	Norway/Guinea	I:6738 Vol. 466
27 June	Copenhagen	Consular convention (Art. 36)	United Kingdom/ Denmark	I:8197 Vol. 562
29 June	Bonn	Agreement relating to air services (Art. VIII)	Norway/Liberia	I:6739 Vol. 466
3 July[2]	Paris and Rocher-Noir	Exchange of letters and declarations adopted on 19 March 1962 at the close of the Evian talks, constituting an agreement (declaration of principles relating to the settlement of disputes)	France/Algeria	I:7395 Vol. 507
14 Nov.	London	Treaty of commerce, establishment and navigation (Art. 31)	United Kingdom/ Japan	I:6934 Vol. 478
10 Dec.	New York (opened for signature)	Convention on consent to marriage, minimum age for marriage and registration of marriages (Art. 8)	Multilateral	I:7525 Vol. 521
1963				
8 Jan.	Seoul	Consular convention (Art. 16)	United States/ Republic of Korea	I:7211 Vol. 493
24 Apr.	Vienna	Optional protocol to the Vienna convention on consular relations concerning the compulsory settlement of disputes	Multilateral	I:8640 Vol. 596

[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the instrument.
[2] The date and the places given here are those of the exchange of letters.

1963 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
13 Aug.	Asunción	Agreement on trade and navigation (Art. XVI)	Belgium, Luxembourg, Netherlands/ Paraguay	I:8572 Vol. 592
14 Sep.	Tokyo	Convention on offences and certain other acts committed on board aircraft (Art. 24)	Multilateral	I:10106 Vol. 704
26 Oct.	Niamey	Act regarding navigation and economic co-operation between the States of the Niger Basin (Art. 7)	Multilateral	I:8506 Vol. 587
31 Oct.	Paris (opened for signature)	Protocol on privileges and immunities of the European Space Research Organization (Art. 29)	Multilateral	I:11473 Vol. 805
3 Dec.[1]	Rome	Agreement for the establishment of a General Fisheries Council for the Mediterranean, drawn up at Rome on 24 Sep. 1949, as amended (Art. XIII)	Multilateral	I:1691 Vol. 490
3 Dec.	Rome	Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of Its Distribution Area in South-West Asia (Art. XVII)	Multilateral	I:7663 Vol. 529
1964				
4 Feb.	Karachi	Agreement relating to scheduled air services (Art. XII, para. B, ii)	Pakistan/ Lebanon	I:8863 Vol. 614
4 May	Tokyo	Consular convention (Art. 39)	United Kingdom/ Japan	I:8179 Vol. 561
19 Sep.	Beirut	Agreement relating to air services (Art. XI)	India/ Lebanon	I:11820 Vol. 825
1965				
25 Jan.	Geneva	Convention on the registration of inland navigation vessels (Art. 20)	Multilateral	I:21114
18 Mar.	Washington (opened for signature)	Convention on the settlement of investment disputes between States and nationals of other States (Art. 64)	Multilateral	I:8359 Vol. 575
21 Apr.	Belgrade	Consular convention (Art. 45)	United Kingdom/ Yugoslavia	I:8620 Vol. 595

[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the Agreement.

1965 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
2 July	Rome	Agreement for establishment of a commission for controlling the desert locust in the Near East (Art. XVI)	Multilateral	I:8575 Vol. 592
7 July	London	Treaty for conciliation, judicial settlement and arbitration (Art. 14)	United Kingdom/ Switzerland	I:8765 Vol. 605
1966				
8 Feb.	Lomé	Treaty of amity and economic relations (Art. XIV)	United States/ Togo	I:9677 Vol. 680
15 Feb.	Geneva	Convention on the measurement of inland navigation vessels (Art. 14)	Multilateral	I:13899 Vol. 964
7 Mar.	New York (opened for signature)	International convention on the elimination of all forms of racial discrimination (Art. 22)	Multilateral	I:9464 Vol. 660
1967				
31 Jan.	New York	Protocol relating to the status of refugees (Art. IV)	Multilateral	I:8791 Vol. 606
14 Feb.	Mexico City	Treaty for the prohibition of nuclear weapons in Latin America (Art. 24)	Multilateral	I:9068 Vol. 634
14 Mar.	Manila	Trade agreement (Art. IX)	Belgium, Luxembourg, Netherlands/ Philippines	I:12382 Vol. 863
24 May	Kabul	Agreement relating to air services (Art. IX)	Denmark/ Afghanistan	I:9951 Vol. 695
1 June	London	Convention on conduct of fishing operations in the North Atlantic (Art. 13)	Multilateral	I:15849 Vol. 1051
10 July	Paris	International agreement on the procedure for the establishment of tariffs for scheduled air services (Art. 4)	Multilateral	I:9971 Vol. 696
14 July[1]	Stockholm	Convention for the protection of industrial property signed at Paris on 20 March 1883, as revised (Art. 28)	Multilateral	I:11851 Vol. 828
1968				
23 Feb.	Brussels	Protocol amending the international convention for the unification of certain rules of law relating to bills of lading, signed at Brussels on 25 August 1924 (Art. 8)	Multilateral	I:23643

[1] The date and the place given here are those of the signature of the revised Convention.

1968 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
8 Nov.	Vienna	Convention on road traffic (Art. 52)	Multilateral	I:15705 Vol. 1042
8 Nov.	Vienna	Convention on road signs and signals (Art. 44)	Multilateral	I:16743 Vol. 1091
1969				
13 Feb.	Geneva	Agreement establishing the European Molecular Biology Conference (Art. VIII)	Multilateral	I:10462 Vol. 727
23 May	Vienna	Convention on the law of treaties (Art. 66)	Multilateral	I:18232 Vol. 1155
25 July	Boston	International health regulations (Art. 106)	Multilateral	I:10921 Vol. 764
2 Sep.	Washington	Consular convention (Art. 46)	Belgium/ United States	I:13178 Vol. 924
8 Sep.	Mexico City	Convention on the privileges and immunities of the Agency for the Prohibition of Nuclear Weapons in Latin America (Art. 7)	Multilateral	I:16545
30 Dec.	Belgrade	Consular convention (Art. 46)	Belgium/ Yugoslavia	I:13441 Vol. 943
1970				
23 Apr.	Brussels	International convention on travel contracts (Art. 32, para. 2)	Multilateral	I:21051
19 June	Washington	Treaty on patent cooperation (Art. 59)	Multilateral	I:18336 Vol. 1160
1 Dec.	Rome	Agreement for the establishment of a commission for controlling the desert locust in North-West Africa (Art. XVI)	Multilateral	I:11354 Vol. 797
16 Dec.	The Hague	Convention on the suppression of the unlawful seizure of aircraft	Multilateral	I:12325 Vol. 860
1971				
21 Feb.	Vienna	Convention on psychotropic substances (Art. 31)	Multilateral	I:14956 Vol. 1019
14 July	Brussels	Treaty of commerce (Art. 11)	Belgium, Luxembourg, Netherlands/ USSR	I:12656 Vol. 883
17 July	Accra	Agreement for the provision of a special loan to the Government of the Republic of Ghana to facilitate the payment of medium term commercial debts (Art. VII)	United Kingdom/ Ghana	I:11467 Vol. 805

1971 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
*24 July[1]	Paris	Convention for the protection of literary and artistic works signed at Berne on 9 September 1886, as revised (Art. 33)	Multilateral	I:25986
24 July	Paris	Universal copyright convention, signed at Geneva on 6 September 1952, as revised (Art. XV)	Multilateral	I:13444 Vol. 943
23 Sep.	Montreal	Convention for the suppression of unlawful acts against the safety of civil aviation (Art. 14)	Multilateral	I:14118 Vol. 974
6 Oct.	Paris	Convention on the establishment of the International Institute for the Management of Technology (Art. 7)	Multilateral	I:14566 Vol. 995
1972				
28 Apr.	Ankara	Consular convention (Art. 58)	Belgium/ Turkey	I:15142
16 May	Basle	European convention on State immunity (Art. 34)	Multilateral	
1973				
10 May	Geneva	Agreement establishing the European Molecular Biology Laboratory (Art. XII)	Multilateral	I:13668 Vol. 954
12 June	The Hague	Protocol relating to refugee seamen (Art. II)	Multilateral	I:13928 Vol. 965
22 June	Rome	Agreement for the establishment of a Regional Animal Production and Health Commission for Asia, the Far East and the South-West Pacific (Art. XX)	Multilateral	I:14604
5 Oct.	Munich	Convention on the grant of European patents (Art. 173)	Multilateral	I:16208
19 Nov.	Montevideo	Treaty of the La Plata River and its maritime limits (Art. 87)	Uruguay/ Argentina	I:21424
30 Nov.	New York	International convention on the suppression and punishment of the crime of *apartheid* (Art. XII)	Multilateral	I:14861 Vol. 1015

[1]The date and the place given here are those of the signature of the revised Convention.

1973 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 Dec.	New York	Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents (Art. 13)	Multilateral	I:15410 Vol. 1035
1974				
19 Feb.	Madrid	Agreement on the delimitation of the continental shelf (Art. 3, para. 2)	Italy/Spain	
*22 Mar.	Helsinki	Convention on the protection of the marine environment of the Baltic Sea area (Art. 18, para. 2)	Multilateral	I:18338
16 May	Khartoum	Agreement relating to the joint exploitation of the natural resources of the sea-bed and subsoil of the Red Sea in the common zone (Art. XVI)	Sudan/ Saudi Arabia	I:13605 Vol. 952
1975				
26 Feb.	Salto	Treaty concerning the status of the river Uruguay (Art. 60)	Uruguay/ Argentina	I:21425
8 Aug.	New York	Single convention on narcotic drugs, 1961, as amended (Art. 48)	Multilateral	I:14152
1977				
24 May	Athens	Agreement on the delimitation of the respective continental shelves of the two States (Art. IV)	Greece/Italy	I:21048
1978				
5 July	Geneva	Protocol to the convention on the contract for the international carriage of goods by road (CMR) (Art. 8)	Multilateral	I:19487
1979				
30 Mar.	Geneva	International agreement on olive oil (Art. 14, para. 2)	Multilateral	I:19674
10 May	Manila	Treaty of amity, commerce and navigation (Art. XV, para. 2)	Japan/ Philippines	I:20979
17 Dec.	New York	International convention against the taking of hostages (Art. 16, para. 1)	Multilateral	I:21931
18 Dec.	New York	Convention on the elimination of all forms of discrimination against women (Art. 29)	Multilateral	I:20378

1980	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
20 May	Canberra	Convention on the conservation of Antarctic marine living resources	Multilateral	I:22301
30 Oct.	Lima	General peace treaty (Arts. 31-36 and 39)	El Salvador/ Honduras	I:21856
1981				
23 Jan.	Cotonou	Agreement concerning technical co-operation (Art. IX)	Switzerland/ Benin	I:19804
1985				
22 Mar.	Vienna	Vienna convention for the protection of the ozone layer (Art. 11)	Multilateral	I:92615
10 Dec.	New York	International convention against *apartheid* in sports (Art. 19)	Multilateral	
1986				
21 Mar.	Vienna	Vienna convention on the law of treaties between States and international organizations or between international organizations (Art. 66, para. 2)	Multilateral	
1988				
20 Dec.	Vienna	United Nations convention against illicit traffic in narcotic drugs and psychotropic substances (Art. 32)	Multilateral	
1989				
*4 Dec.	New York	International convention against the recruitment, use, financing and training of mercenaries (Art. 17, para. 1)	Multilateral	

CHAPTER V

FUNCTIONING AND PRACTICE OF THE COURT

In matters concerning its administration and procedure, the International Court of Justice applies Articles 21, 22 and 39-68 of its Statute and Articles 12, 19-31 and 38-109 of its Rules.

I. Seat

The seat of the Court is established at The Hague (Netherlands); this however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1; Rules, Art. 55).

The Court occupies, in the Peace Palace at The Hague, the premises formerly occupied by the *Permanent Court of International Justice* as well as a new wing built at the expense of the Netherlands Government and inaugurated in 1978.

An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises. The agreement was approved by the General Assembly of the United Nations in resolution 84 (I) of 11 December 1946. It provides for the payment to the Carnegie Foundation of an annual contribution (see Chap. VIII, p. 201, below).

II. Administration

1. The Presidency and the Committees of the Court

The President shall preside at all meetings of the Court; he shall direct the work and supervise the administration of the Court (Rules, Art. 12)[1].

Decisions which have to be taken by the Court on administrative matters are prepared by a Budgetary and Administrative Committee composed of the President, the Vice-President and five judges who are elected annually (at present Judges Elias, Schwebel, Bedjaoui, Tarassov and Guillaume).

In 1967 the Court established a Committee on Relations. Its present

[1] Occasionally the President is requested by third persons to undertake tasks outside the judicial work of the Court. These activities are described at the end of this chapter (p. 133, below).

members are Judges Bedjaoui, Ni and Evensen. This committee is responsible for preparing plans and programmes with a view to the wider dissemination of information on the work of the Court and the maintenance of its relations with other United Nations organs, the specialized agencies, and international bodies and conferences concerned with the codification and progressive development of international law.

In 1970 the Court established a Library Committee (at present Judges Oda, Sir Robert Jennings and Ni) to review the programme of acquisitions for the library of the Court and supervise the continuous modernization of its services.

In 1979 the Court constituted the Rules Committee as a standing body. Its members are at present Judges Lachs, Mbaye, Oda, Ago, Sir Robert Jennings, Ni, Tarassov and Shahabuddeen.

Each year, in application of Article 11 of the Staff Regulations for the Registry, which came into force in 1979, the Court elects a Judge and Alternate Judge for Staff Appeals. Judges Evensen and Bedjaoui, respectively, hold these offices at present.

2. The Registry

The Registry is the administrative organ of the Court. Its role is defined by the Statute and the Rules (in particular Rules, Arts. 22-29). The organization of the Registry is prescribed by the Court on proposals submitted by the Registrar, and Instructions for the Registry are drawn up by the Registrar and approved by the Court (Rules, Art. 28, paras. 2 and 3). The instructions drawn up in October 1946 were amended in March 1947 and September 1949 (*I.C.J. Yearbook 1946-1947*, pp. 72-87; *I.C.J. Yearbook 1949-1950*, p. 24).

(a) *The Registrar and the Deputy-Registrar*

The Court appoints its Registrar from among candidates proposed by Members of the Court; he is elected for a term of seven years and may be re-elected (Statute, Art. 21, para. 2; Rules, Art. 22). The Court also appoints a Deputy-Registrar, under the same conditions and in the same way as the Registrar (Rules, Art. 23).

The general functions of the Registrar are defined by the Rules of Court (Art. 26) and the Instructions for the Registry (Art. 1). Under the Instructions: "the Registrar is responsible for all departments of the Registry. The Staff is under his control and he alone is authorized to direct the work of the Registry, of which he is the Head." He is assisted by the Deputy-Registrar and, in the event of his absence, is replaced by the Deputy-Registrar or, failing him, an official of the Registry appointed by the President (Rules, Art. 27; Instructions for the Registry, Arts. 2 and 42).

The present Registrar is Mr. Eduardo Valencia-Ospina, of Colombian nationality, who was elected on 19 February 1987. He was previously the Court's Deputy-Registrar (1984-1987) and before that had served as the

senior legal officer of the Codification Division at the Office of Legal Affairs in the United Nations Secretariat.

The Deputy-Registrar is Mr. Bernard Noble, of British nationality, previously a First Secretary of the Court, who was also elected on 19 February 1987.

Previous Registrars of the Court were E. Hambro (1946-1953), J. López-Oliván (1953-1960), J. Garnier-Coignet (1960-1966), S. Aquarone (1966-1980) and S. Torres Bernárdez (1980-1986). Previous Deputy-Registrars were J. Garnier-Coignet (1946-1960), S. Aquarone (1960-1966), W. Tait (1966-1976), and A. Pillepich (1977-1984).

(b) *Departments of the Registry*

The officials of the Registry are appointed by the Court on proposals submitted by the Registrar (Statute, Art. 21, para. 2; Rules, Art. 25). General Service category and temporary staff, however, are appointed by the Registrar (Rules, Art. 25; Staff Regulations for the Registry, Art. 5; Instructions for the Registry, Art. 4).

All officials of the Registry, whether permanent or temporary, must be proficient in English and French and those whose work involves linguistic responsibilities must have one of these languages as their first language.

The following table gives a list of officials employed by the Registry (both on a permanent basis and under fixed-term contracts) as at 31 July 1990, showing the posts they occupy with references, where appropriate, to the articles of the Instructions for the Registry in which their duties are defined.

	Date of assumption of duties	*Nationality*
Secretaries of the Court (Art. 43)		
Principal Legal Secretary		
H. W. A. Thirlway	1 September 1968	British
First Secretaries		
P.-M. Blaser	1 June 1986	Swiss
A. Brouillet	13 June 1988	French
Secretaries		
A. Th. Witteveen In charge of information matters	15 July 1975	Dutch
Ph. Couvreur	13 April 1982	Belgian
Linguistic Staff		
F. Mengin	5 May 1986	French
Mrs. J. E. Bouri	1 July 1986	British
Special Assistant		
J.-P. Isselé	5 April 1988	French

Information Officer

Mrs. N. Choucri El-Erian	1 March 1982	Egyptian

Administrative Assistants

Mrs. M. G. A. van Haasbergen	1 March 1985	French
Miss M. D. Donnelly	1 January 1985	British

Establishment (Arts. 54-66)

C. J. van Ommering Accountant/Establishment Officer, Head of Department	1 October 1973	Dutch
M. Mendella	1 April 1986	Canadian
C. Uriot	1 March 1981	Dutch
T. Komnenović	1 August 1973	Yugoslav
B. J. van Veen	1 March 1982	Dutch

Telephonists-Receptionists

Mrs. J. Koot-Jager	1 March 1978	Dutch
Mrs. E. Keijman	1 April 1978	Dutch

Messengers

I. J. van der Meer Co-ordinator	1 June 1980	Dutch
S. Cantarella	9 April 1981	Italian
J. Pronk	1 January 1982	Dutch
D. Driessen	1 April 1982	Dutch
R. Pijl	1 January 1990	Dutch

Security Guards

F. Koch	1 September 1985	Dutch
M. Sow	1 August 1985	Senegalese

Shorthand and Typewriting Department (Art. 53)

Mrs. N. Juszezak Head of Department	1 January 1979	French
Miss C. Rakoto	5 September 1983	Malagasy
Mrs. J. Devisme	1 January 1986	French
Mrs. R. Weerakoon	20 January 1986	Sri Lankan
Miss M. Stutterheim	1 January 1990	Dutch
Mrs. C. Wainwright	1 January 1990	Australian
Mrs. F. Collins	1 January 1990	British
Mrs. D. Roodbol	1 January 1990	French
Miss V. Primas	1 January 1990	French
W. P. Molenaar	1 February 1971	Dutch
G. D'Olivo	1 December 1982	Italian

Judges' Secretaries		
Mrs. M. de Meyier Co-ordinator	1 January 1982	French and Dutch
Mrs. R. Snoeck	10 January 1977	French and Dutch
Miss W. Ch. Deelder	1 July 1982	Dutch
Miss J. Newall	1 November 1985	British
Mrs. L. Speeleveld	1 January 1986	Belgian
Miss H. H. Muyen	1 June 1987	Dutch
Miss L. E. Brown	1 January 1990	British
Mrs. M. Cleary-Cogan	1 January 1990	British
Miss A. Moore	1 January 1990	British
Miss M. Sullivan	1 January 1990	British
Mrs. D. Bloemendaal	1 April 1990	British
Archives (Arts. 44-52)		
Miss M. S. Lycett Head of Department	1 July 1980	British
G. J. M. Rammers	1 January 1958	Dutch
L. van der Gaag	1 July 1961	Dutch
S. R. S. Bedi	16 September 1985	Indian
D. van Rooy	16 April 1975	Dutch
Printing Department (Arts. 67-69)		
P. Vio Head of Department	1 June 1974	Italian
S. H. Herd	1 August 1987	British
Documents Department (Arts. 70-73)		
A. C. G. M. Eyffinger Librarian, Head of Department	1 February 1988	Dutch
Mrs. R. S. B. van Megen	13 August 1973	Dutch
M. Schiethart	1 January 1981	Dutch
G. Vooijs	1 January 1981	Dutch

(c) *Staff Regulations for the Registry*

Article 28, paragraph 4, of the Rules of Court states:

> "The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules, and approved by the Court."

On 7 March 1979 the Court adopted new Staff Regulations for the Registry, which are reproduced in Chapter VI of the *I.C.J. Yearbook 1978-1979* (pp. 127-131). In November 1987 these Staff Regulations were amended (see *I.C.J. Yearbook 1988-1989*, pp. 163-164).

Before 1979 staff members of the Registry had been subject to Staff Regulations adopted by the President and approved by the Court in March 1947 in accordance with Article 18, paragraph 2, of the 1946 Rules of Court; these Staff Regulations had been amended in February and March 1950 and in June 1951 (see *I.C.J. Yearbook 1946-1947*, pp. 66-71; *I.C.J. Yearbook 1949-1950*, pp. 23-24; *I.C.J. Yearbook 1950-1951*, pp. 25-27).

(d) *Privileges and immunities*

In the Netherlands, in accordance with the terms of an exchange of letters, dated 26 June 1946, between the President of the Court and the Minister for Foreign Affairs of the Netherlands, the Registrar is, in a general way, accorded the same treatment as heads of diplomatic missions accredited to Her Majesty the Queen of the Netherlands, and officials of the Registry are treated as officials of comparable rank attached to diplomatic missions at The Hague (*I.C.J. Acts and Documents No. 5*, pp. 201-207).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 207-211) the General Assembly of the United Nations recommended that, on journeys in connection with the exercise of his functions, the Registrar should enjoy all the privileges, immunities and facilities granted to diplomatic envoys and that the officials of the Registry should, in the same circumstances, enjoy such privileges, immunities and facilities for residence and travel as may be necessary for the independent exercise of their functions.

This resolution also contains a recommendation calling upon Members of the United Nations to recognize and accept the United Nations laissez-passer issued to the Registrar and officials of the Registry by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations. They are signed by the President of the Court and by the Registrar.

3. Relations with the Public

(a) *Correspondence*

Article 26, paragraph 1 *(a)*, of the Rules of Court states that the Registrar shall "be the regular channel for communications to and from the Court".

Consequently, correspondence should be addressed to *The Registrar, International Court of Justice, Peace Palace, 2517 KJ The Hague, Netherlands* (telegraphic address: *INTERCOURT THE HAGUE*; telex: 32323; Telefax 364 99 28). It should be written in either English or French[1].

A special issue of postage stamps is used by the Netherlands postal administration for the franking of correspondence from the Court.

The Court's telephone number is (070) 392 44 41.

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[1] It is not possible for the Registry to give legal advice or to enter into correspondence with private persons concerning any matter at issue between them and the authorities of their own or another country.

(b) *Access to the Court's library and archives*

The library of the Court is separate from the library of the Peace Palace, which is situated in the same building but is administered by the Carnegie Foundation. The relations between the two libraries were the subject of an exchange of notes dated 29 and 30 July 1946 (*I.C.J. Yearbook 1946-1947*, pp. 98-99). The public has access to the Peace Palace Library, but the library of the Court is private.

The Court's library keeps the archives of the Nuremberg *International Military Tribunal*, as entrusted to the Court pursuant to a decision of that Tribunal dated 1 October 1946. These archives, which relate solely to the trial of the major war criminals tried in 1945-1946, may be consulted on written application to the Registrar.

Neither the archives of the Court itself nor those of the *Permanent Court of International Justice* are open to the public (Rules, Art. 26, para. 1 *(n)*).

(c) *Information*

Article 26, paragraph 1 *(k)* and *(m)*, of the Rules of Court provides that the Registrar shall "deal with enquiries concerning the Court and its work" and "ensure that information concerning the Court and its activities is made accessible to governments, the highest national courts of justice, professional and learned societies, legal faculties and schools of law, and public information media". For the purpose of carrying out this function, the Registrar is assisted by one of the Secretaries.

The Registrar arranges as he considers necessary for the publication of information concerning the composition, jurisdiction and work of the Court, and the cases before the Court[1].

The following documentation, issued separately in English and in French, is available free of charge on application to the Registry:

Press Communiqués;

Background Notes, of which four are available:

II and *II bis. Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976);*

IV. Note by the Registry indicating the Rules of Court amended on 10 May 1972;

V. Note by the Registry on the Revised Rules of Court (1978);

VI. Collected unofficial summaries of decisions concerning the law of the sea (1946-1986).

Also obtainable, from the Registry or United Nations Information Centres, are:

– a popular handbook on *The International Court of Justice*, published in English, French, Spanish and German editions, which is in particular distributed in the framework of the United Nations Programme of

[1] These publications are distinct from the publications of the Court issued by the Registry: see below, Chap. VII, pp. 168-170.

Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law;

– a booklet on the Court published by the United Nations Department of Public Information in English, French, Spanish and Dutch editions;

– unofficial Arabic, Chinese, Russian and Spanish texts of the Rules of Court.

A film on the Court by the United Nations Department of Public Information is also available on application to that Department or to a United Nations Information Centre.

Groups often ask to visit the Registry and have the way the Court functions explained to them. So far as the work of the Court permits, the Registrar accedes to requests of this kind.

Information on the assistance given members of the public and representatives of the press to help them follow the proceedings in cases before the Court will be found within the following section (pp. 127, 128, 131-132).

III. Practice in Regard to Procedure[1]

1. General

(a) *Official languages*

The official languages of the Court are French and English (Statute, Art. 39; Rules, Arts. 51, 70 and 71).

(b) *Official communications*

In all cases submitted to the Court, communications and documents for the Court are delivered to the Registrar and he is the regular channel for communications or notifications from the Court (Rules, Art. 26, para. 1, and Art. 30; Instructions for the Registry, Arts. 3, 11 and 13).

Communications in a case which are intended for a State party thereto are sent to its agent at the Hague address it designates for the purpose (Rules, Art. 40, para. 1).

For communications with other States, the Registrar requests the

[1] For decisions taken by the Court involving the application of its Statute and Rules in procedural matters, see *I.C.J. Yearbook 1962-1963*, pp. 91-137; *I.C.J. Yearbook 1963-1964*, pp. 99-109; *I.C.J. Yearbook 1964-1965*, pp. 87-88; *I.C.J. Yearbook 1965-1966*, pp. 91-92; *I.C.J. Yearbook 1966-1967*, p. 87; *I.C.J. Yearbook 1967-1968*, pp. 87-92; *I.C.J. Yearbook 1968-1969*, pp. 108-112; *I.C.J. Yearbook 1969-1970*, pp. 113-115; *I.C.J. Yearbook 1970-1971*, pp. 109-113; *I.C.J. Yearbook 1971-1972*, pp. 123-125; *I.C.J. Yearbook 1972-1973*, pp. 136-143; *I.C.J. Yearbook 1973-1974*, pp. 125-129; *I.C.J. Yearbook 1974-1975*, pp. 120-123; *I.C.J. Yearbook 1975-1976*, pp. 118-123; *I.C.J. Yearbook 1976-1977*, pp. 113-114; *I.C.J. Yearbook 1977-1978*, pp. 111-119; *I.C.J. Yearbook 1978-1979*, pp. 124-131; *I.C.J. Yearbook 1979-1980*, pp. 125-129; *I.C.J. Yearbook 1980-1981*, pp. 133-137; *I.C.J. Yearbook 1981-1982*, pp. 141-147; *I.C.J. Yearbook 1982-1983*, pp. 125-126; *I.C.J. Yearbook 1983-1984*, pp. 140-141; *I.C.J. Yearbook 1984-1985*, pp. 173-184; *I.C.J. Yearbook 1985-1986*, pp. 164-172; *I.C.J. Yearbook 1986-1987*, pp. 158-163; *I.C.J. Yearbook 1987-1988*, pp. 146-151; *I.C.J. Yearbook 1988-1989*, pp. 159-164; and pp. 157-162 in Chapter VI, below.

foreign ministers of States entitled to appear before the Court to indicate the channel through which their governments would wish to receive such communications. The channel of communication indicated is usually the Embassy in The Hague or the Ministry of Foreign Affairs of the State in question.

For public international organizations, the Registrar addresses the communications of the Court to the Director-General or Secretary-General of the organization as the case may be.

(c) *Minutes*

The Registrar is present at all sittings and meetings of the Court and is responsible for drawing up the minutes. After being signed by the President and the Registrar, these minutes are filed in the archives (Statute, Art. 47; Rules, Art. 21, Art. 26, para. 1 *(f)-(i)*, and Art. 71; Instructions for the Registry, Art. 19).

(d) *General List*

The Registrar prepares and keeps up to date a General List of cases submitted to the Court (Rules, Art. 26, para. 1 *(b)*, and Art. 38, para. 5; Instructions for the Registry, Art. 6, para. 1, and Art. 46, para. 3).

Extracts from the General List are supplied by the Registry on request, in the form of *Background Notes II* and *II bis: Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976)*.

(For the General List of the *Permanent Court of International Justice*, see *P.C.I.J., Series E, No. 16*, pp. 92-147.)

2. Procedure in Contentious Cases

(a) *Institution of proceedings and appointment of agents*

As soon as proceedings are instituted (see Chap. III, pp. 50-51, above), the special agreement or the application, filed in one of the two official languages of the Court, is translated and printed in a bilingual edition by the Registry, then communicated to all concerned and to the States entitled to appear before the Court (Statute, Art. 40; Rules, Art. 38, paras. 4 and 5; Art. 39, para. 1, and Art. 42).

The Registrar arranges for the publication of a communiqué informing the general public and the press that proceedings have been instituted. Copies of the special agreement or application may be obtained on request.

The party which files a document instituting proceedings informs the Court at the same time of the name of the agent who will be its representative in the proceedings and take steps on its behalf; the other party then appoints its agent as soon as possible (Statute, Art. 42; Rules, Art. 40). A party may also appoint a co-agent, a deputy-agent or an

additional agent. Agents, and counsel and advocates also, enjoy such privileges and immunities as may be required for the independent exercise of their duties (Statute, Art. 42, para. 3; *I.C.J. Acts and Documents No. 5*, pp. 205 and 209).

The President, who is required to ascertain the views of the parties on questions of procedure, summons the agents to meet him as soon as possible after their appointment and whenever necessary thereafter (Rules, Art. 31).

(b) *Written proceedings*

The written proceedings comprise the filing of pleadings within time-limits fixed in orders made by the Court or, if it is not sitting, the President; the pleadings are in principle confined to a Memorial and a Counter-Memorial, though the Court may if it thinks fit authorize or direct that there be a Reply and a Rejoinder (Statute, Art. 43; Rules, Arts. 44-46 and 48; Instructions for the Registry, Art. 14).

The party's submissions are set out in each pleading (Rules, Art. 49).

The agent of the party filing the pleading supplies the Registry (Statute, Art. 43, paras. 3 and 4; Rules, Arts. 50-52) with the following:

- an original copy of the pleading, signed by him, to which is annexed a certified copy of any relevant document adduced in support of the contentions put forward;
- an English or French translation, certified by him to be accurate, of any part of a pleading or annexed document submitted in another language;
- a copy, certified by him, of the pleading and annexed documents, for communication to the other party;
- 125 further copies of the pleading and annexed documents;
- in the case of any document of which only parts are relevant and only necessary extracts have been annexed to the pleading, a copy of the whole document.

The format for the pleadings and annexes is 19 × 26 cm. If they are submitted in printed form, which is not compulsory, it is recommended that the Court's Typographical Rules (supplied by the Registry on request) be complied with. If the composition is entrusted to one of the printers who work for the Court, so that it is not necessary to re-compose the texts when they come to be used in the Court's series *Pleadings, Oral Arguments, Documents* (see *(e)* below), the Court will at that stage reimburse half the cost, at the normal rate, of the composition of the pleading itself and of such annexes as are to be reproduced in the *Pleadings* series (but excluding any text in a language other than English or French or entirely reproduced from another printed pleading).

The Registry usually translates, for the judges, pleadings and annexed documents, filed in one of the official languages of the Court, into the other official language (Rules, Art. 26, para. 1 *(g)*).

The Registrar arranges for the publication of communiqués giving information concerning the course of the written proceedings. Moreover, the Court may, after ascertaining the views of the parties, communicate the pleadings on request to any State entitled to appear before the Court. It may also, after ascertaining the parties' views, make the pleadings available to the general public and the press on or after the opening of the oral proceedings (Rules, Art. 53); this is generally done by depositing copies in a number of Information Centres and libraries, including the Peace Palace Library. The pagination of the pleadings and annexed documents which may thus be made accessible is provisional in character. They are not given their final pagination until they are published in the *I.C.J. Pleadings* series (see *(e)* below).

(c) *Oral proceedings*

Upon the closure of the written proceedings, a case is ready for hearing. The opening date of the oral proceedings is fixed by the Court or, if it is not sitting, the President (Rules, Art. 54). Public sittings are held at the seat of the Court, usually from 10 a.m. to 1 p.m. on weekdays. They are devoted to hearing the arguments of counsel and such evidence of witnesses or experts as the parties may call; the Court itself may also arrange for a witness to be heard, entrust any individual, body or organization with the task of giving an expert opinion or decide on an inspection *in loco*[1] (Statute, Arts. 43-46 and 48-51; Rules, Arts. 57-68; Instructions for the Registry, Art. 20).

The Court settles the order in which the parties are heard, the number of counsel who will address the Court, and the method of handling the evidence (Rules, Art. 58, para. 2). It is customary for the parties to present their arguments in the order in which their pleadings have been deposited or, in the case of proceedings instituted by special agreement, in the order laid down by the Court after consultations with the agents of the parties. Speeches and statements are normally made in one of the Court's two official languages and are (simultaneously) interpreted into the other;

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[1] In the *Corfu Channel (United Kingdom* v. *Albania)* case, the Court heard witnesses and experts presented by each of the Parties, appointed experts by Order and prescribed an enquiry on the spot. In the *Temple of Preah Vihear (Cambodia* v. *Thailand)* case, it heard witnesses and experts presented by each of the Parties. In the *South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa)* cases, it heard witnesses and experts presented by one Party, but did not accede to a request concerning an inspection *in loco*. In *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, it heard an expert presented by one Party. The Chamber constituted in the *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* case heard an expert presented by one Party and itself appointed, by Order, at the request of the Parties and in accordance with the Special Agreement concluded between them, a technical expert to assist it in its work. In the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, the Court heard experts presented by each of the Parties. In the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)* it heard witnesses presented by one Party. The Chamber constituted in the case concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)* heard witnesses presented by one of the Parties and experts presented by each of them.

arrangements may be made for some other language to be used (Statute, Art. 39; Rules, Art. 70; Instructions for the Registry, Art. 17).

When the Court or a judge puts a question to the agents, counsel and advocates, the answer may be given either immediately or within a time-limit fixed by the President; if given in writing it is communicated to the other party (Rules, Art. 61, paras. 2-4, and Art. 72).

A provisional verbatim record of each public sitting is drawn up by the Registry in the official language used, and translated into the other; copies in the original official language are then communicated to the parties and to the witnesses and experts in order that mistakes may be corrected under the supervision of the Court (Statute, Art. 47; Rules, Art. 71). A period of 24 hours is usually allowed for the submission of corrections.

In the course of the hearings each party reads out its final submissions and hands the Registrar copies of the text (Rules, Art. 60, para. 2). The filing of new documents after closure of the written proceedings is permissible only with the other party's consent or the authorization of the Court; such documents must be filed in the same number of copies as the pleadings (see *(b)* above); the Registrar transmits them to the other party with a request for observations. No reference may be made to the contents of any document which has not been duly produced, unless the document is part of a publication readily available (Statute, Art. 52; Rules, Art. 56).

The Registrar issues communiqués giving all necessary information as to the dates of the hearings (Instructions for the Registry, Art. 12). Admission cards are issued to members of the diplomatic corps and to representatives of the press and also to any person who makes application either in writing or in person at the Peace Palace on the occasion of a hearing. Photographs may be taken before the opening of hearings. Filming for cinema or television purposes is, however, subject to special authorization. There is a Press Room within the Peace Palace, and also a Post Office where a number of telephones are available for the use of journalists. As soon as the provisional, uncorrected verbatim records of each hearing have been duplicated they are made available to representatives of the press, though neither the text nor the pagination is final at that stage (see *(e)* below).

(d) *Deliberations*

After the close of the oral proceedings, the Court withdraws to deliberate in private and to prepare a judgment. The deliberations of the Court are conducted *in camera* and remain confidential. This applies to all aspects of the deliberations, including the schedule of meetings (Statute, Arts. 54-55; Rules, Arts. 19-21; Instructions for the Registry, Art. 16).

The manner in which the Court conducts its deliberations is governed by a resolution concerning the internal judicial practice of the Court, the most recent version of which was adopted on 12 April 1976 (see *I.C.J. Acts and Documents No. 5*, pp. 165-173).

(e) *Judgment*

The judgment is read out at a public sitting for which similar arrangements are made as for a hearing in open court, in particular with regard to the admission of the public and the assistance provided to representatives of the press (see *(c)* above). However, where photography or filming is intended for use in newsreels or television news, it may be authorized not only at the beginning of a sitting but also when the operative terms of the judgment are read out.

The judgment is prepared in both official languages, of which one is indicated as authoritative (Statute, Art. 39; Rules, Art. 96). If it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the judgment indicates the names of the judges constituting the majority (Statute, Arts. 56-58; Rules, Arts. 94 and 95).

Three original copies of the judgment are signed by the President and the Registrar and are then sealed; one is placed in the archives of the Court and the others are handed to the parties (Rules, Art. 95, para. 3; Instructions for the Registry, Art. 21).

Immediately after the public reading, copies of a special duplicated *tirage* are placed at the disposal of the judges and the representatives of the parties. At the same time an unofficial communiqué summarizing the decision is issued on the authority of the Registrar.

As soon as possible, the printed text of the judgment becomes available as a separate fascicle in the *I.C.J. Reports* series, which is sent to States entitled to appear before the Court and is placed on sale. Subsequently, the documentation of the case is published in one or more printed volumes of the series entitled *I.C.J. Pleadings, Oral Arguments, Documents*. It is these printed texts (see Chap. VII, pp. 168-169, below) which should be used for all purposes of quotation or citation.

(f) *Expenses and costs*

The expenses of the Court, including amounts payable to witnesses or experts appearing at the instance of the Court (Rules, Art. 68; Instructions for the Registry, Art. 18), are borne out of the United Nations budget; if a party to a case does not contribute to the United Nations budget, the Court itself fixes the amount payable by that party as a contribution towards the expenses of the Court for the case (see Chap. VIII, p. 195, below).

Each party bears its own costs, unless the Court makes an order in favour of a party for the payment of the costs (Statute, Art. 64; Rules, Art. 95, para. 1, and Art. 97).

3. Occasional Rules in Contentious Cases

(a) *Provisional measures*

The Court has the power to indicate provisional measures (Statute,

Art. 41). A request for such measures is treated as a matter of urgency, and the Court's decision is given in an order (Rules, Arts. 73-78)[1].

(b) *Joinder of proceedings*

The Court may direct that the proceedings in two or more cases be joined (Rules, Art. 47). It does this by means of an order[2].

(c) *Preliminary objections*

Preliminary objections (see Chap. III, p. 52, above) must be filed within the time-limit fixed for the filing of the Counter-Memorial (Rules, Art. 79). They suspend the proceedings on the merits and may be answered by the observations and submissions of the opposing party, to be filed within a time-limit fixed by an order. Oral proceedings on the objections ensue, the party which raised them being called upon to speak first. The Court gives its decision on the objections in a judgment; if it dismisses them, the proceedings on the merits are resumed from the point of interruption; they are likewise resumed if it declares that the objections do not possess an exclusively preliminary character[3]. The Court may also give effect to an

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[1] Such provisional measures have been requested in the following 13 cases: *Anglo-Iranian Oil Co. (United Kingdom* v. *Iran); Interhandel (Switzerland* v. *United States of America); Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland); Nuclear Tests (Australia* v. *France) (New Zealand* v. *France); Trial of Pakistani Prisoners of War (Pakistan* v. *India); Aegean Sea Continental Shelf (Greece* v. *Turkey); United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran); Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America); Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)* (in this case the request was withdrawn); *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal).*

[2] Proceedings were joined in the following cases: *South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa); North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands).*

[3] The Court gave its decision on the preliminary objections raised in the following 15 cases: *Corfu Channel (United Kingdom* v. *Albania); Ambatielos (Greece* v. *United Kingdom); Anglo-Iranian Oil Co. (United Kingdom* v. *Iran); Nottebohm (Liechtenstein* v. *Guatemala); Monetary Gold Removed from Rome in 1943 (Italy* v. *France, United Kingdom and United States of America); Certain Norwegian Loans (France* v. *Norway); Right of Passage over Indian Territory (Portugal* v. *India); Interhandel (Switzerland* v. *United States of America); Aerial Incident of 27 July 1955 (Israel* v. *Bulgaria); Temple of Preah Vihear (Cambodia* v. *Thailand); South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa); Northern Cameroons (Cameroon* v. *United Kingdom); Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium* v. *Spain); Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy).* In other cases the Court was not called upon to give a decision on the preliminary objections, either because they were withdrawn *(Rights of Nationals of the United States of America in Morocco (France* v. *United States of America))* or as the result of a discontinuance *(Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria); Barcelona Traction, Light and Power Company, Limited* (first application) *(Belgium* v. *Spain); Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France* v. *Lebanon)).* The Court also dealt with questions of jurisdiction or admissibility in the following nine cases: *Appeal Relating to the Jurisdiction of the ICAO Council (India* v. *Pakistan); Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland); Nuclear Tests (Australia* v. *France) (New Zealand* v. *France); Aegean Sea Continental Shelf (Greece* v. *Turkey); United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran); Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America); Border and Transborder Armed Actions (Nicaragua* v. *Honduras).*

agreement between the parties that objections should be heard and determined within the framework of the merits[1].

(d) *Intervention, presentation of information*

A third State may request to be permitted to intervene if it considers that it has an interest of a legal nature which may be affected by the decision in the case; it is for the Court to decide upon such a request (Statute, Art. 62; Rules, Arts. 81 and 83-85)[2]. If the dispute relates to the construction of a convention to which States other than those concerned in the case are parties, these States are notified forthwith and have the right to intervene in the proceedings (Statute, Art. 63; Rules, Arts. 43, 82-84 and 86)[3].

Similarly, public international organizations may, at the request of the Court or a party or on their own initiative, furnish the Court with information relevant to cases before it; whenever the construction of their constituent instruments or of a convention adopted thereunder is in question, they are notified (Statute, Art. 34, paras. 2 and 3; Rules, Art. 69).

(e) *Default, settlement, discontinuance*

If one of the parties does not appear before the Court or fails to defend its case, the other party may call upon the Court to decide in favour of its claim (Statute, Art. 53)[4].

The Court, or the President if the Court is not sitting, may, by way of an

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[1] This was done in *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)*. Preliminary objections were joined to the merits under the pre-1972 Rules of Court after agreement between the Parties in the case concerning *Certain Norwegian Loans (France* v. *Norway)* and by decision of the Court in the following two cases: *Right of Passage over Indian Territory (Portugal* v. *India); Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium* v. *Spain)*.

[2] Permission to intervene was applied for in the *Nuclear Tests* cases *(Australia* v. *France) (New Zealand* v. *France)*, in the cases concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* and in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*.

[3] A third State intervened in the *Haya de la Torre (Colombia* v. *Peru)* case and a Declaration of Intervention was submitted in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*.

[4] A number of judgments and orders were delivered in the absence of one of the parties: *Corfu Channel (United Kingdom* v. *Albania), Assessment of Amount of Compensation; Anglo-Iranian Oil Co. (United Kingdom* v. *Iran), Interim Protection; Nottebohm (Liechtenstein* v. *Guatemala), Preliminary Objection; Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland), Interim Protection, Jurisdiction of the Court* and *Merits; Nuclear Tests (Australia* v. *France) (New Zealand* v. *France), Interim Protection* and *Second Phase; Trial of Pakistani Prisoners of War (Pakistan* v. *India), Interim Protection; Aegean Sea Continental Shelf (Greece* v. *Turkey), Interim Protection* and *Jurisdiction of the Court; United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran), Provisional Measures* and *Merits; Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America), Merits*.

order, officially record the conclusion of a settlement or a discontinuance (Rules, Arts. 88 and 89)[1].

(f) *Execution, interpretation or revision of judgments*

The judgments of the Court are binding, final and without appeal (Charter, Art. 94, para. 1; Statute, Arts. 59-60; Rules, Art. 94, para. 2). The parties may, however, make a request for interpretation or, in certain circumstances, for revision of a judgment (see above, Chap. III, p. 53). The decision of the Court on such requests is given in the form of a judgment (Statute, Arts. 60-61; Rules, Arts. 98-100)[2,3].

Article 94, paragraph 2, of the Charter of the United Nations states that, if any party to a case fails to perform the obligations incumbent upon it under a judgment, the other party may have recourse to the Security Council.

(g) *Special reference to the Court*

When a matter which has been the subject of proceedings before some other international body is brought before the Court, the provisions of the Statute and of the Rules apply (Rules, Art. 87)[4].

4. Procedure in Advisory Cases

In addition to the Rules of Court which are expressly applicable to proceedings in regard to advisory opinions, the Court is guided by the provisions which apply in contentious proceedings (Statute, Art. 68; Rules, Art. 102). It may thus be led to apply the articles of the Statute concerning judges *ad hoc* (see Chap. I, pp. 11-13, above).

The practical information given concerning the course of the procedure in contentious cases (see under 2, above) applies *mutatis mutandis* to the

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[1] The following eight cases ended in discontinuance: *Protection of French Nationals and Protected Persons in Egypt (France* v. *Egypt); Electricité de Beyrouth Company (France* v. *Lebanon); Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria) (United Kingdom* v. *Bulgaria); Barcelona Traction, Light and Power Company, Limited (Belgium* v. *Spain)* (first application); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France* v. *Lebanon); Trial of Pakistani Prisoners of War (Pakistan* v. *India); Border and Transborder Armed Actions (Nicaragua* v. *Costa Rica)*. Furthermore, the case concerning *United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran)* ended in discontinuance as regarded the question of reparation which the Judgment had left to be settled.

[2] The Court gave a decision on a request for interpretation of its Judgment in the *Asylum (Colombia/Peru)* case. See also p. 53, notes 1 and 2, above.

[3] The Court gave a decision on an application for revision and interpretation submitted by Tunisia in connection with its Judgment in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

[4] The Court was seised of an *Appeal Relating to the Jurisdiction of the ICAO Council (India* v. *Pakistan)* in the case of that name.

procedure in regard to advisory opinions, in particular as regards arrangements for the public and the representatives of the press.

(a) *Request*

Notice of a request for an advisory opinion (see Chap. III, pp. 53-55, above) is addressed to the Court by the Secretary-General of the United Nations or the chief administrative officer of the organization authorized to make the request; all documents likely to throw light upon the question are to be transmitted at the same time as the request or as soon as possible thereafter (Statute, Art. 65, para. 2; Rules, Art. 104).

Notice of the request for an advisory opinion is given to all States entitled to appear before the Court (Statute, Art. 66, para. 1).

In addition, the Court gives the States and international organizations considered likely to be able to furnish information on the question an opportunity to submit their views in writing or orally, or both (Statute, Art. 66, paras. 2-4).

(b) *Written and oral proceedings*

A request for an opinion usually gives rise to written proceedings followed by oral proceedings (Statute, Art. 66; Rules, Arts. 105 and 106).

In the case of urgency, the Court takes all necessary steps to accelerate the procedure (Rules, Art. 103)[1].

(c) *Deliberations*

The deliberations are conducted in the same manner as in contentious cases (Rules, Arts. 19-21 and 107; Resolution concerning the Internal Judicial Practice of the Court, Art. 10).

(d) *Advisory opinion*

The advisory opinion is read in open Court; if it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the advisory opinion indicates the names of the judges constituting the majority (Statute, Art. 67; Rules, Arts. 107 and 108).

One of the original copies of the advisory opinion is transmitted to the body which made the request (Rules, Art. 109).

The opinions given by the Court are purely advisory in character. The body requesting the opinion may however be committed to accepting it as binding by the terms of the instrument under which it is authorized to request advisory opinions of the Court.

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[1]The Court decided to accelerate the procedure in accordance with Article 103 of the Rules in the case concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

IV. Occasional Functions Entrusted to the President of the International Court of Justice

1. International Instruments Providing for Appointment of Arbitrators, etc.

There are many international instruments which provide that in certain eventualities the President of the Court may be requested by the contracting parties to appoint arbitrators, umpires, members of conciliation commissions, etc. Requests of this sort have always been acceded to.

States proposing to insert such a provision in a treaty generally consult the President as to his willingness to accept such a task, and submit the draft provision to him. This frequently provides that, if the President is of the nationality of one of the parties to the dispute, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

Such a provision is found, for instance, in bilateral agreements relating to air transport, social security, reparations or guarantees, loans, technical co-operation and the protection of investments; in multilateral treaties; in conventions or agreements concerning the constitution, status or privileges and immunities of international organizations; and in agreements or contracts concluded between States and international organs.

2. Other Requests for Appointment of Arbitrators

The President of the Court is sometimes requested to appoint arbitrators under the terms of contracts concluded between a State and a corporation or between corporations. Such requests are generally acceded to.

In such cases, too, the usual practice is to consult the President in advance and to submit the draft contract to him. It is usually provided that if the President is of the same nationality as one of the parties to the contract, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

3. Other Appointments

The President has also at times been requested by States or international organizations to appoint persons to fill other offices.

Such appointments are, for instance, provided for in texts such as Article 12 of the Protocol of 23 June 1953 for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, or Article 4 of the Regulations for the execution of the Convention of 14 May 1954 for the protection of cultural property in the event of armed conflict or, again, Rule 109.1 *(a)* of the Staff Rules of the United Nations and Regulation 9.1.1 of the Staff Regulations of the United Nations Educational, Scientific and Cultural Organization.

CHAPTER VI

WORK OF THE COURT IN 1989-1990

During the period under review, the full Court met from 4 to 6 October 1989, from 30 October to 1 November 1989, on 27, 28 and 30 November 1989, on 1 and 8 December and from 13 to 15 December 1989, on 5, 6, 8 and 12 February 1990, from 14 to 16 and from 26 to 28 February 1990 and on 2 March 1990, holding 7 public sittings and 34 private meetings.

The Court was seised of the contentious case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*.

The Court delivered an Advisory Opinion in the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*. It made one Order in the contentious case concerning *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)*, one Order in the contentious case concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)* and a further two Orders in the contentious case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, one of which was on the request by Guinea-Bissau for the indication of provisional measures. In the contentious case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* (case referred to a Chamber), the Court made an Order on the composition of the Chamber and an Order on the Nicaraguan application for permission to intervene.

The President of the Court made three Orders, in the cases concerning *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)*, concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)* and concerning *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark* v. *Norway)*.

During the same period, the Chamber constituted to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* held five public sittings and three private meetings. The President of the Chamber made one Order.

In addition, the Court dealt with various administrative and budgetary matters and held elections.

I. Cases before the Court

A. Contentious cases before the full Court

1. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America)*

In its Judgment of 27 June 1986 on the merits of this case, the Court found, *inter alia*, that the United States of America was under an

obligation to make reparation to the Republic of Nicaragua for all injury caused to Nicaragua by certain breaches of obligations under international law committed by the United States. It further decided "that the form and amount of such reparation, failing agreement between the Parties, [would] be settled by the Court", reserving for that purpose the subsequent procedure.

In a letter of 7 September 1987, the Agent of Nicaragua stated that no agreement had been reached between the Parties as to the form and amount of the reparation and that Nicaragua requested the Court to make the necessary orders for the further conduct of the case.

By a letter dated 13 November 1987, the Deputy-Agent of the United States informed the Registrar that the United States remained of the view that the Court was without jurisdiction to entertain the dispute and that the Nicaraguan Application was inadmissible, and that, accordingly, the United States would not be represented at a meeting, to be held in accordance with Article 31 of the Rules of Court, for the purpose of ascertaining the views of the Parties on the procedure to be followed.

After having ascertained the views of the Government of Nicaragua and having afforded the Government of the United States of America an opportunity of stating its views, the Court, by an Order of 18 November 1987 (*I.C.J. Reports 1987*, p. 188), fixed 29 March 1988 as the time-limit for a Memorial of the Republic of Nicaragua and 29 July 1988 as the time-limit for a Counter-Memorial of the United States of America.

The Memorial of the Republic of Nicaragua was duly filed on 29 March 1988. The United States of America did not file a Counter-Memorial within the prescribed time-limit.

At a meeting on 22 June 1990 called by the President of the Court to ascertain the views of Nicaragua and the United States of America on the date for opening of the oral proceedings on compensation in this case, the Agent of Nicaragua informed the President of the position of his Government, already set out in a letter from the Agent to the Registrar of the Court dated 20 June 1990. He indicated that the new Government of Nicaragua was carefully studying the different matters it had pending before the Court; that the instant case was very complex and that, added to the many difficult tasks facing the Government, these were special circumstances that would make it extremely inconvenient for it to take a decision on what procedure to follow in this case during the coming months. The President, in the light of the position of the Government of Nicaragua, stated that he would inform the Court of that position and would in the meantime take no action to fix a date for hearings.

2. Border and Transborder Armed Actions (Nicaragua v. *Honduras)*

On 28 July 1986, the Government of Nicaragua filed in the Registry of the Court an Application instituting proceedings against the Republic of Honduras.

The matters referred to in the Application included alleged border and transborder armed actions organized by *contras* on its territory from Honduras, the giving of assistance to the *contras* by the armed forces of Honduras, direct participation by the latter in military attacks against its territory, and threats of force against it emanating from the Government of Honduras. It requested the Court to adjudge and declare:

"*(a)* that the acts and omissions of Honduras in the material period constitute breaches of the various obligations of customary international law and the treaties specified in the body of this Application for which the Republic of Honduras bears legal responsibility;

(b) that Honduras is under a duty immediately to cease and to refrain from all such acts as may constitute breaches of the foregoing legal obligations;

(c) that Honduras is under an obligation to make reparation to the Republic of Nicaragua for all injury caused to Nicaragua by the breaches of obligations under the pertinent rules of customary international law and treaty provisions."

Since Honduras contested that the Court had jurisdiction over the matters raised by the Application, the Court decided that the first pleadings should deal exclusively with the issues of jurisdiction and admissibility. Those pleadings having been filed and the oral arguments of the Parties on those issues having been heard, the Court, in a Judgment delivered on 20 December 1988, found that it had jurisdiction to entertain the Application of Nicaragua and that that Application was admissible.

On 21 April 1989 the President of the Court fixed time-limits for written proceedings on the merits: 19 September 1989 for the Memorial of Nicaragua and 19 February 1990 for the Counter-Memorial of Honduras.

On 31 August 1989 the President of the Court made an Order (*I.C.J. Reports 1989*, p. 123) extending to 8 December 1989 the time-limit for the Memorial and reserving the question of extension of the time-limit for the filing of the Counter-Memorial of Honduras. The Memorial of Nicaragua was filed within the prescribed time-limit.

By letters dated 13 December 1989 the Agents of both Parties transmitted to the Court the text of an agreement reached by the Presidents of the Central American countries on 12 December 1989 in San Isidro de Coronado, Costa Rica. They referred in particular to paragraph 13 thereof, which recorded the agreement of the President of Nicaragua and the President of Honduras, in the context of arrangements aimed at achieving an extra-judicial settlement of the dispute which is the subject of the proceedings before the Court, to instruct their Agents in the case to communicate immediately, either jointly or separately, the agreement to the Court, and to request the postponement of the date for the fixing of the time-limit for the presentation of the Counter-Memorial of Honduras until 11 June 1990.

By an Order of 14 December 1989 (*I.C.J. Reports 1989*, p. 174), the

Court decided that the time-limit for the filing by Honduras of a Counter-Memorial on the merits was extended from 19 February 1990 to a date to be fixed by an order to be made after 11 June 1990.

Subsequent to the date last mentioned, the President of the Court consulted the Parties, was informed that they did not desire the new time-limit for the Counter-Memorial to be fixed for the time being, and informed them that he would so advise the Court.

3. Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway)*

On 16 August 1988, the Government of Denmark filed in the Registry of the Court an Application instituting proceedings against Norway.

In its Application, Denmark explained that, despite negotiations conducted since 1980, it had not been possible to find an agreed solution to a dispute with regard to the delimitation of Denmark's and Norway's fishing zones and continental shelf areas in the waters between the east coast of Greenland and the Norwegian island of Jan Mayen, where there is an area of some 72,000 square kilometres to which both Parties lay claim.

It therefore requested the Court:

> "to decide, in accordance with international law, where a single line of delimitation shall be drawn between Denmark's and Norway's fishing zones and continental shelf areas in the waters between Greenland and Jan Mayen".

Denmark chose Mr. Paul Henning Fischer to sit as judge *ad hoc*.

By an Order of 14 October 1988 (*I.C.J. Reports 1988*, p. 66), the Court, taking into account the views expressed by the Parties, fixed 1 August 1989 as the time-limit for the Memorial of Denmark and 15 May 1990 for the Counter-Memorial of Norway. Both the Memorial and Counter-Memorial were filed within the prescribed time-limits.

Taking into account an agreement between the Parties that there should be a Reply and a Rejoinder, the President of the Court, by an Order of 21 June 1990 (*I.C.J. Reports 1990*, p. 89), fixed 1 February 1991 as the time-limit for the Reply of Denmark and 1 October 1991 as that for the Rejoinder of Norway.

4. Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. *United States of America)*

On 17 May 1989, the Islamic Republic of Iran filed in the Registry of the Court an Application instituting proceedings against the United States of America.

In its Application, the Islamic Republic of Iran referred to:

> "The destruction of an Iranian aircraft, Iran Air Airbus A-300B, flight 655, and the killing of its 290 passengers and crew by two surface-to-air missiles launched from the USS *Vincennes*, a guided-

missile cruiser on duty with the United States Persian Gulf/Middle East Force in the Iranian airspace over the Islamic Republic's territorial waters in the Persian Gulf on 3 July 1988".

It contended that,

"by its destruction of Iran Air flight 655 and taking 290 lives, its refusal to compensate the Islamic Republic for damages arising from the loss of the aircraft and individuals on board and its continuous interference with the Persian Gulf aviation",

the Government of the United States had violated certain provisions of the Chicago Convention on International Civil Aviation (7 December 1944), as amended, and of the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (23 September 1971), and that the Council of the International Civil Aviation Organization (ICAO) had erred in its decision of 17 March 1989 concerning the incident.

The Government of the Islamic Republic of Iran requested, in its Application, the Court to adjudge and declare:

"*(a)* that the ICAO Council decision is erroneous in that the Government of the United States has violated the Chicago Convention, including the Preamble, Articles 1, 2, 3 *bis* and 44 *(a)* and *(h)* and Annex 15 of the Chicago Convention as well as Recommendation 2.6/1 of the Third Middle East Regional Air Navigation Meeting of ICAO;

(b) that the Government of the United States has violated Articles 1, 3 and 10 (1) of the Montreal Convention; and

(c) that the Government of the United States is responsible to pay compensation to the Islamic Republic, in the amount to be determined by the Court, as measured by the injuries suffered by the Islamic Republic and the bereaved families as a result of these violations, including additional financial losses which Iran Air and the bereaved families have suffered for the disruption of their activities."

By an Order of 13 December 1989 (*I.C.J. Reports 1989*, p. 132), the Court, taking into account the views expressed by each of the Parties, fixed 12 June 1990 as the time-limit for the filing of the Memorial of the Islamic Republic of Iran and 10 December 1990 for the filing of the Counter-Memorial of the United States of America. Judge Oda appended a declaration to the Order of the Court (*ibid.*, p. 135); Judges Schwebel and Shahabuddeen appended separate opinions (*ibid.*, pp. 136-144 and 145-160).

By an Order of 12 June 1990 (*I.C.J. Reports 1990*, p. 86), made in response to a request by the Islamic Republic of Iran and after the views of the United States of America had been ascertained, the President of the Court extended to 24 July 1990 the time-limit for the filing of the

Memorial of the Islamic Republic of Iran and to 4 March 1991 the time-limit for the Counter-Memorial of the United States of America. The Memorial was filed within the prescribed time-limit.

5. Certain Phosphate Lands in Nauru (Nauru v. *Australia)*

On 19 May 1989, the Republic of Nauru filed in the Registry of the Court an Application instituting proceedings against the Commonwealth of Australia in a dispute concerning the rehabilitation of certain phosphate lands mined under Australian administration before Nauruan independence.

In its Application, Nauru claimed that Australia had breached the trusteeship obligations it accepted under Article 76 of the Charter of the United Nations and under Articles 3 and 5 of the Trusteeship Agreement for Nauru of 1 November 1947. Nauru further claimed that Australia had breached certain obligations towards Nauru under general international law.

The Republic of Nauru requested the Court to adjudge and declare:

> "that Australia has incurred an international legal responsibility and is bound to make restitution or other appropriate reparation to Nauru for the damage and prejudice suffered";

and further

> "that the nature and amount of such restitution or reparation should, in the absence of agreement between the Parties, be assessed and determined by the Court, if necessary, in a separate phase of the proceedings".

By an Order of 18 July 1989 (*I.C.J. Reports 1989*, p. 12), the Court, having ascertained the views of the Parties, fixed 20 April 1990 as the time-limit for the Memorial of Nauru and 21 January 1991 for the Counter-Memorial of Australia. The Memorial was filed within the prescribed time-limit.

6. Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal)*

On 23 August 1989 the Republic of Guinea-Bissau filed in the Registry of the Court an Application instituting proceedings against the Republic of Senegal.

The Application explained that, notwithstanding the negotiations carried on from 1977 onwards, the two States had been unable to reach agreement regarding the settlement of a dispute concerning the maritime delimitation to be effected between them and for that reason had jointly consented, by an Arbitration Agreement dated 12 March 1985, to submit that dispute to an Arbitration Tribunal composed of three members.

It further indicated that, according to the terms of Article 2 of that Agreement, the Tribunal was asked to rule on the following two-fold question:

"(1) Does the agreement concluded by an exchange of letters [between France and Portugal] on 26 April 1960, and which relates to the maritime boundary, have the force of law in the relations between the Republic of Guinea-Bissau and the Republic of Senegal?

(2) In the event of a negative answer to the first question, what is the course of the line delimiting the maritime territories appertaining to the Republic of Guinea-Bissau and the Republic of Senegal respectively?"

The Application added that it had been specified, in Article 9 of the Agreement, that the Tribunal would inform the two Governments of its decision regarding the questions set forth in Article 2, and that that decision should include the drawing on a map of the frontier line – the Application emphasized that the Agreement used the word "line" in the singular.

According to the Application, the Tribunal communicated to the Parties on 31 July 1989 a "text that was supposed to serve as an award", but did not in fact amount to one.

Guinea-Bissau, contending that "A new dispute thus came into existence, relating to the applicability of the text issued by way of award on 31 July 1989", therefore asked the Court to adjudge and declare:

"– that [the] so-called decision [of the Tribunal] is inexistent in view of the fact that one of the two arbitrators making up the appearance of a majority in favour of the text of the 'award', has, by a declaration appended to it, expressed a view in contradiction with the one apparently adopted by the vote;

– subsidiarily, that that so-called decision is null and void, as the Tribunal did not give a complete answer to the two-fold question raised by the Agreement and so did not arrive at a single delimitation line duly recorded on a map, and as it has not given the reasons for the restrictions thus improperly placed upon its jurisdiction;

– that the Government of Senegal is thus not justified in seeking to require the Government of Guinea-Bissau to apply the so-called award of 31 July 1989".

Guinea-Bissau chose Mr. Hubert Thierry to sit as judge *ad hoc*. At the public sitting of 12 February 1990 (see below), Judge *ad hoc* Thierry made the solemn declaration required by the Statute and Rules of Court (see below, p. 157, under *(c)* (i)).

By an Order of 1 November 1989 (*I.C.J. Reports 1989*, p. 126), the Court, having ascertained the views of the Parties, fixed 2 May 1990 as the time-limit for the filing of the Memorial of Guinea-Bissau and 31 October 1990 for the filing of the Counter-Memorial of Senegal. The Memorial was filed within the prescribed time-limit.

On 18 January 1990 a request was filed in the Registry whereby Guinea-Bissau, on the ground of actions stated to have been taken by the

Senegalese Navy in a maritime area which Guinea-Bissau regarded as an area disputed between the Parties, requested the Court to indicate the following provisional measures:

> "In order to safeguard the rights of each of the Parties, they shall abstain in the disputed area from any act or action of any kind whatever, during the whole duration of the proceedings until the decision is given by the Court."

Having held public sittings on 12 February 1990 to hear the oral observations of both Parties on the request for provisional measures, the Court, in an Order of 2 March 1990 (*I.C.J. Reports 1990*, p. 64) dismissed that request. The following is a summary of this Order.

The Court began by recalling the history of the case and observed that Guinea-Bissau explained in its request for the indication of provisional measures that that request was prompted by

> "acts of sovereignty by Senegal which prejudge both the judgment on the merits to be given by the Court and the maritime delimitation to be effected subsequently between the States".

It then summarized the incidents which took place and which involved actions by both Parties with regard to foreign fishing vessels.

*

On the question of its jurisdiction the Court subsequently considered that, whereas on a request for provisional measures it need not, before deciding whether or not to indicate them, finally satisfy itself that it has jurisdiction on the merits of the case, yet it ought not to indicate such measures unless the provisions invoked by the Applicant appear, prima facie, to afford a basis on which the jurisdiction of the Court might be founded; and found that the two declarations made by the Parties under Article 36, paragraph 2,, of the Statute and invoked by the Applicant did appear, prima facie, to afford a basis of jurisdiction.

It observed that that decision in no way prejudged the question of the jurisdiction of the Court to deal with the merits of the case.

* *

Guinea-Bissau had requested the Court to exercise in the proceedings the power conferred upon it by Article 41 of the Statute of the Court "to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party".

The Court observed that the purpose of exercising that power was to protect "rights which are the subject of dispute in judicial proceedings" (*Aegean Sea Continental Shelf, I.C.J. Reports 1976*, p. 9, para. 25;

United States Diplomatic and Consular Staff in Tehran, I.C.J. Reports 1979, p. 19, para. 36); that such measures were provisional and indicated "pending the final decision" (Art. 41, para. 2, of the Statute); and that therefore they were to be measures such that they would no longer be required as such once the dispute over those rights had been resolved by the Court's judgment on the merits of the case.

It further noted that Guinea-Bissau recognized in its Application that the dispute of which it had seised the Court was not the dispute over maritime delimitation brought before the Arbitration Tribunal, but a "new dispute . . . relating to the applicability of the text issued by way of award of 31 July 1989"; that however it had been argued by Guinea-Bissau that provisional measures might be requested, in the context of judicial proceedings on a subsidiary dispute, to protect rights in issue in the underlying dispute; that the only link essential for the admissibility of measures was the link between the measures contemplated and the conflict of interests underlying the question or questions put to the Court, – that conflict of interests being the conflict over maritime delimitation, – and that this was so whether the Court was seised of a main dispute or of a subsidiary dispute, a fundamental dispute or a secondary dispute, on the sole condition that the decision by the Court on the questions of substance which were submitted to it be a necessary prerequisite for the settlement of the conflict of interests to which the measures related; that Guinea-Bissau claimed that the basic dispute concerned the conflicting claims of the Parties to control, exploration and exploitation of maritime areas, and that the purpose of the measures requested was to preserve the integrity of the maritine area concerned, and that the required relationship between the provisional measures requested by Guinea-Bissau and the case before the Court was present.

The Court observed that the Application instituting proceedings asked the Court to declare the 1989 award to be "inexistent" or, subsidiarily, "null and void", and to declare "that the Government of Senegal is thus not justified in seeking to require the Government of Guinea-Bissau to apply the so-called award of 31 July 1989"; that the Application thus asked the Court to pass upon the existence and validity of the award but did not ask the Court to pass upon the respective rights of the Parties in the maritime areas in question; it found that accordingly the alleged rights sought to be made the subject of provisional measures were not the subject of the proceedings before the Court on the merits of the case; and that any such measures could not be subsumed by the Court's judgment on the merits.

Moreover, a decision of the Court that the award was inexistent or null and void would in no way entail any decision that the Applicant's claims in respect of the disputed maritime delimitation were well founded, in whole or in part; the dispute over those claims would therefore not be resolved by the Court's judgment.

The operative paragraph of the Order is as follows:

"Accordingly,

THE COURT,

by fourteen votes to one,

Dismisses the request of the Republic of Guinea-Bissau, filed in the Registry on 18 January 1990, for the indication of provisional measures.

IN FAVOUR: *President* Ruda; *Vice-President* Mbaye; *Judges* Lachs, Elias, Oda, Ago, Schwebel, Sir Robert Jennings, Ni, Evensen, Tarassov, Guillaume, Shahabuddeen, Pathak;

AGAINST: *Judge* ad hoc Thierry."

*

Judges Evensen and Shahabuddeen appended separate opinions to the Order (*I.C.J. Reports 1990*, pp. 72-73 and 74-78). Judge *ad hoc* Thierry appended a dissenting opinion (*ibid.*, pp. 79-84).

B. CONTENTIOUS CASE BEFORE A CHAMBER

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)

On 11 December 1986 El Salvador and Honduras jointly notified to the Court a Special Agreement concluded between them on 24 May 1986, whereby a dispute referred to as the land, island and maritime frontier dispute would be submitted for decision to a chamber which the Parties would request the Court to form under Article 26, paragraph 2, of the Statute, to consist of three Members of the Court and two judges *ad hoc* chosen by each Party.

By an Order of 8 May 1987 the Court, after having received such a request, constituted a Chamber with the following composition: Judges Shigeru Oda, José Sette-Camara and Sir Robert Jennings; Judges *ad hoc* Nicolas Valticos and Michel Virally, chosen respectively by El Salvador and Honduras. The Chamber elected Judge José Sette-Camara to be its President.

In an Order of 13 December 1989 (*I.C.J. Reports 1989*, p. 162), adopted unanimously, the Court took note of the death of Judge *ad hoc* Virally, of the nomination on 9 February 1989 by Honduras of Mr. Santiago Torres Bernárdez to replace him and of a number of communications from the Parties, noted that it appeared that El Salvador had no objection to the choice of Mr. Torres Bernárdez, and that no objection appeared to the Court itself, and declared the Chamber to be composed as follows: Judges José Sette-Camara (President of the Chamber), Shigeru Oda and Sir Robert Jennings; Judges *ad hoc* Nicolas Valticos and Santiago Torres Bernárdez. Judge Shahabuddeen appended a separate opinion to the Order (*I.C.J. Reports 1989*, pp. 165-172). Judge Torres Bernárdez made

the solemn declaration required by the Statute and Rules of Court at the first public sitting held by the Chamber thereafter, on 5 June 1990 (see below, p. 158, under *(d)*).

The written proceedings in the case have taken the following course: Each party filed a Memorial within the time-limit of 1 June 1988 which had been fixed therefor by the Court after ascertainment of the Parties' views. The Parties having requested, by virtue of their Special Agreement, that the written proceedings should also consist of Counter-Memorials and Replies, the Chamber authorized the filing of such pleadings and fixed time-limits accordingly. At the successive requests of the Parties, the President of the Chamber extended those time-limits, by Orders made on 12 January 1989 and 13 December 1989 (*I.C.J. Reports 1989*, pp. 3 and 129), to 10 February 1989 and 12 January 1990 respectively. Each Party's Counter-Memorial and Reply were filed within the time-limits as thus extended.

On 17 November 1989 Nicaragua addressed to the Court an Application under Article 62 of the Statute for permission to intervene in the case. Nicaragua stated that it had no intention of intervening in respect of the dispute concerning the land boundary between El Salvador and Honduras, its object being:

> "*First*, generally to protect the legal rights of the Republic of Nicaragua in the Gulf of Fonseca and the adjacent maritime areas by all legal means available.
>
> *Secondly*, to intervene in the proceedings in order to inform the Court of the nature of the legal rights of Nicaragua which are in issue in the dispute. This form of intervention would have the conservative purpose of seeking to ensure that the determinations of the Chamber did not trench upon the legal rights and interests of the Republic of Nicaragua, and Nicaragua intends to subject itself to the binding effect of the decision to be given."

Nicaragua further expressed the view that its request for permission to intervene was a matter exclusively within the procedural mandate of the full Court.

In an Order of 28 February 1990 (*I.C.J. Reports 1990*, p. 3), adopted by 12 votes to 3, the Court, having considered the observations submitted by the Parties on that last point and the Applicant's comments thereon, concluded that it was sufficiently informed of the views of the States concerned, without there being any need for oral proceedings, and found that it was for the Chamber formed to deal with the case to decide whether the application for permission to intervene should be granted. Judge Oda appended a declaration (*ibid.*, pp. 7-8), and Judges Elias, Tarassov and Shahabuddeen dissenting opinions (*ibid.*, pp. 9-10, 11-17 and 18-62) to the Order.

Between 5 and 8 June 1990 the Chamber, at five public sittings, heard oral arguments on the Nicaraguan Application for permission to intervene, presented on behalf of Nicaragua, El Salvador and Honduras.

At the time of preparation of this *Yearbook*, the Chamber is deliberating on the judgment to be delivered.

C. REQUEST FOR ADVISORY OPINION

Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations

On 24 May 1989 the Economic and Social Council of the United Nations adopted resolution 1989/75, whereby it requested the Court to give, on a priority basis, an advisory opinion

> "on the legal question of the applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission"

on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights.

The letter from the Secretary-General, transmitting to the Court the request for advisory opinion and certified copies of the English and French texts of the resolution, was received in the Registry on 13 June 1989.

In an Order of 14 June 1989 (*I.C.J. Reports 1989*, p. 9), the President of the Court decided that the United Nations and the States parties to the Convention on the Privileges and Immunities of the United Nations were considered likely to be able to furnish information on the question and, bearing in mind that the request was expressed to be made "on a priority basis", fixed 31 July 1989 as the time-limit for the submission of written statements and 31 August 1989 for the submission of subsequent written comments on those statements.

Pursuant to the Statute, the Secretary-General of the United Nations transmitted to the Court a dossier of documents likely to throw light upon the question.

Written statements were filed, within the time-limit fixed, by the United Nations and by Canada, the Federal Republic of Germany, Romania and the United States of America.

At public sittings held on 4 and 5 October 1989, oral statements were made before the Court by Mr. Carl-August Fleischhauer, the United Nations Legal Counsel, on behalf of the Secretary-General, and by Mr. Abraham Sofaer, Legal Adviser, Department of State, on behalf of the United States of America. Questions were put by Members of the Court to the representative of the Secretary-General, and answered before the close of the oral proceedings.

At a public sitting held on 15 December 1989, the Court delivered its Advisory Opinion (*I.C.J. Reports 1989*, p. 177), of which a summary outline and the complete text of the operative paragraph are given below.

I. Review of the proceedings and summary of facts (paras. 1-26)

The Court outlined the successive stages of the proceedings before it (paras. 1-8) and then summarized the facts of the case (paras. 9-26).

On 13 March 1984 the Commission on Human Rights – a subsidiary organ of the Economic and Social Council (hereinafter called "the Council"), created by it in 1946 in accordance with Articles 55 *(c)* and 68 of the Charter of the United Nations – elected Mr. Dumitru Mazilu, a Romanian national nominated by Romania, to serve as a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities – a subsidiary organ set up in 1947 by the Commission on Human Rights (hereinafter called "the Commission") – for a three-year term due to expire on 31 December 1986. As the Commission had called upon the Sub-Commission on Prevention of Discrimination and Protection of Minorities (hereinafter called "the Sub-Commission") to pay due attention to the role of youth in the field of human rights, the Sub-Commission at its thirty-eighth session adopted on 29 August 1985 resolution 1985/12 whereby it requested Mr. Mazilu to

> "prepare a report on human rights and youth analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly, the right to life, education and work"

and requested the Secretary-General to provide him with all necessary assistance for the completion of his task.

The thirty-ninth session of the Sub-Commission, at which Mr. Mazilu's report was to be presented, was not convened in 1986 as originally scheduled but was postponed until 1987. The three-year mandate of its members – originally due to expire on 31 December 1986 – was extended by Council decision 1987/102 for an additional year. When the thirty-ninth session of the Sub-Commission opened in Geneva on 10 August 1987 no report had been received from Mr. Mazilu, nor was he present. By a letter received by the United Nations Office at Geneva on 12 August 1987, the Permanent Mission of Romania to that Office informed it that Mr. Mazilu had suffered a heart-attack and was still in hospital. According to the written statement of the Secretary-General, a telegram signed "D. Mazilu" was received in Geneva on 18 August 1987 and informed the Sub-Commission of his inability, due to heart illness, to attend the current session. In these circumstances, the Sub-Commission adopted decision 1987/112 on 4 September 1987, whereby it deferred consideration of item 14 of its agenda – under which the report on human rights and youth was to have been discussed – until its fortieth session scheduled for 1988. Notwithstanding the scheduled expiration on 31 December 1987 of Mr. Mazilu's term as a member of the Sub-Commission, the latter included reference to a report to be submitted by him, identified by name, under the agenda item "Prevention of discrimination and protection of children", and entered the report, under the title

"Human rights and youth" in the "List of studies and reports under preparation by members of the Sub-Commission in accordance with the existing legislative authority".

After the thirty-ninth session of the Sub-Commission, the Centre for Human Rights of the United Nations Secretariat in Geneva made various attempts to contact Mr. Mazilu to provide him with assistance in the preparation of his report, including arranging a visit to Geneva. In December 1987, Mr. Mazilu informed the Under-Secretary-General for Human Rights that he had not received the previous communications of the Centre. In January 1988, Mr. Mazilu informed him that he had been twice in hospital in 1987 and that he had been forced to retire, as of 1 December 1987, from his various governmental posts. He also stated that he was willing to travel to Geneva for consultations, but that the Romanian authorities were refusing him a travel permit. In April and May 1988, Mr. Mazilu, in a series of letters, further described his personal situation; in particular, he alleged that he had refused to comply with the request addressed to him on 22 February 1988 by a special commission from the Romanian Ministry of Foreign Affairs voluntarily to decline to submit his report to the Sub-Commission and, moreover, consistently complained that strong pressure had been exerted on him and on his family.

On 31 December 1987 the terms of all members of the Sub-Commission, including Mr. Mazilu, expired as has already been indicated. On 29 February 1988 the Commission, upon nomination by their respective Governments, elected new members of the Sub-Commission among whom was Mr. Ion Diaconu, a Romanian national.

All the rapporteurs and special rapporteurs of the Sub-Commission were invited to attend its fortieth session (8 August-2 September 1988), but Mr. Mazilu again did not appear. A special invitation was cabled to him, to go to Geneva to present his report, but the telegrams were not delivered and the United Nations Information Centre in Bucharest was unable to locate Mr. Mazilu. On 15 August 1988, the Sub-Commission adopted decision 1988/102, whereby it requested the Secretary-General

> "to establish contact with the Government of Romania and to bring to the Government's attention the Sub-Commission's urgent need to establish personal contact with its Special Rapporteur Mr. Dumitru Mazilu and to convey the request that the Government assist in locating Mr. Mazilu and facilitate a visit to him by a member of the Sub-Commission and the secretariat to help him in the completion of his study on human rights and youth if he so wished".

The Under-Secretary-General for Human Rights informed the Sub-Commission on 17 August 1988 that, in contacts between the Secretary-General's Office and the Chargé d'affaires of the Romanian Permanent Mission to the United Nations in New York, he had been told that the position of the Romanian Government was that any intervention by the United Nations Secretariat and any form of investigation in Bucharest

would be considered interference in Romania's internal affairs. On 1 September 1988, the Sub-Commission adopted resolution 1988/37 by which, *inter alia*, it requested the Secretary-General to approach once more the Government of Romania and invoke the applicability of the Convention on the Privileges and Immunities of the United Nations (hereinafter called "the General Convention"); and further requested him, in the event that the Government of Romania did not concur in the applicability of the provisions of that Convention in that case, to bring the difference between the United Nations and Romania immediately to the attention of the Commission in 1989. It also requested the Commission, in that event, to urge the Council

> "to request, in accordance with General Assembly resolution 89 (I) of 11 December 1946, from the International Court of Justice an advisory opinion on the applicability of the relevant provisions of the Convention on the Privileges and Immunities of the United Nations to the present case and within the scope of the present resolution".

Pursuant to that resolution the Secretary-General, on 26 October 1988, addressed a Note Verbale to the Permanent Representative of Romania to the United Nations in New York, in which he invoked the General Convention in respect of Mr. Mazilu and requested the Romanian Government to accord Mr. Mazilu the necessary facilities in order to enable him to complete his assigned task. As no reply had been received to that Note Verbale, the Under-Secretary-General for Human Rights on 19 December 1988 wrote a letter of reminder to the Permanent Representative of Romania to the United Nations Office at Geneva, in which he asked that the Romanian Government assist in arranging for Mr. Mazilu to visit Geneva so that he could discuss with the Centre for Human Rights the assistance it might give him in preparing his report. On 6 January 1989 the Permanent Representative of Romania handed to the Legal Counsel of the United Nations an Aide-Mémoire in which was set forth the Romanian Government's position concerning Mr. Mazilu. On the facts of the case, Romania stated that Mr. Mazilu, who had not prepared or produced anything on the subject entrusted to him, had in 1987 become gravely ill; that he had had repeatedly to go into hospital; that he had, at his own request, been placed on the retired list on grounds of ill-health for an initial period of one year, in accordance with Romanian law; and that retirement had been extended after he had been further examined by a similar panel of doctors. On the law, Romania expressed the view that "the problem of the application of the General Convention [did] not arise in this case". It went on to explain, *inter alia*, that the Convention "does not equate rapporteurs, whose activities are only occasional, with experts on missions for the United Nations"; that "even if rapporteurs are given some of the status of experts, . . . they can enjoy only functional immunities and privileges"; that the "privileges and immunities provided by the Convention begin to apply only at the moment when the expert leaves on a journey connected with the performance of his mission"; and

that "in the country of which he is a national . . . an expert enjoys privileges and immunities only in respect of actual activities . . . which he performs in connection with his mission". Moreover, Romania stated expressly that it was opposed to a request for advisory opinion from the Court of any kind in this case. Similar contentions were also put forward in the written statement presented by Romania to the Court.

On 6 March 1989 the Commission adopted its resolution 1989/37 recommending that the Council request an advisory opinion from the Court. The Council on 24 May 1989 adopted its resolution 1989/75, by which it requested the Court to render an opinion.

The Court had also been informed by the Secretary-General of the following events which occurred after the request for advisory opinion was made. A report on human rights and youth prepared by Mr. Mazilu was circulated as a document of the Sub-Commission bearing the date 10 July 1989; the text of this report had been transmitted by Mr. Mazilu to the Centre for Human Rights through various channels. On 8 August 1989, the Sub-Commission decided, in accordance with its practice, to invite Mr. Mazilu to participate in the meetings at which his report was to be considered: no reply was received to the invitation extended. By a Note Verbale dated 15 August 1989 from the Permanent Mission of Romania to the United Nations Office at Geneva addressed to that office, the Permanent Mission referred to "the so-called report" by Mr. Mazilu, expressed surprise "that the medical opinions made available to the Centre for Human Rights . . . have been ignored" and indicated, *inter alia*, that since becoming ill in 1987, Mr. Mazilu did not

> "possess the intellectual capacity necessary for making an objective, responsible and unbiased analysis that could serve as the substance of a report consistent with the requirements of the United Nations".

On 1 September 1989, the Sub-Commission adopted resolution 1989/45 entitled "The report on human rights and youth prepared by Mr. Dumitru Mazilu" by which, noting that Mr. Mazilu's report had been prepared in difficult circumstances and that the relevant information collected by the Secretary-General appeared not to have been delivered to him, it invited him to present the report in person to the Sub-Commission at its next session, and also requested the Secretary-General to continue providing Mr. Mazilu with all the assistance he might need in updating his report, including consultations with the Centre for Human Rights.

II. The question laid before the Court (para. 27)

The Court recalled the terms of the question laid before it by the Council. It pointed out that, in his written statement, the Secretary-General had emphasized that the Council's request related to the applicability of Section 22 of the Convention in the case of Mr. Mazilu, but not to

> "the consequences of that applicability, that is ... [the question of] what privileges and immunities Mr. Mazilu might enjoy as a result of his status and whether or not these had been violated".

The Court moreover noted that, during the oral proceedings, the representative of the Secretary-General had observed that it was suggestive of the Council's intention that, having referred to a "difference", it "then did not attempt to have that difference as a whole resolved by the question it addressed to the Court", but "merely addressed a preliminary legal question to the Court".

III. Competence of the Court to give an advisory opinion (paras. 28-36)

The Court began by pointing out that the request for advisory opinion was the first request made by the Council, pursuant to paragraph 2 of Article 96 of the Charter. It went on to note that, in accordance with that provision, the General Assembly, by its resolution 89 (I) of 11 December 1946, had authorized the Council to request advisory opinions of the Court on legal questions arising within the scope of its activities. Then, having considered the question which was the subject of the request, the Court took the view, first, that it was a legal question in that it involved the interpretation of an international convention in order to determine its applicability and, moreover, that it was a question arising within the scope of the activities of the Council, as Mr. Mazilu's assignment was pertinent to a function and programme of the Council and as the Sub-Commission, of which he was appointed special rapporteur, was a subsidiary organ of the Commission which was itself a subsidiary organ of the Council.

As Romania had nonetheless contended that the Court "cannot find that it has jurisdiction to give an advisory opinion" in this case, the Court then considered its arguments. Romania claimed that, because of the reservation made by it to Section 30 of the General Convention, the United Nations could not, without Romania's consent, submit a request for advisory opinion in respect of its difference with Romania. The reservation, it was said, subordinated the competence of the Court to "deal with any dispute that may have arisen between the United Nations and Romania, including a dispute within the framework of the advisory procedure," to the consent of the parties to the dispute. Romania pointed out that it did not agree that an opinion should be requested of the Court in this case.

Section 30 of the General Convention provides that:

> "All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question

involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties."

The reservation contained in Romania's instrument of accession to that Convention is worded as follows:

"The Romanian People's Republic does not consider itself bound by the terms of Section 30 of the Convention which provide for the compulsory jurisdiction of the International Court in differences arising out of the interpretation or application of the Convention; with respect to the competence of the International Court in such differences, the Romanian People's Republic takes the view that, for the purpose of the submission of any dispute whatsoever to the Court for a ruling, the consent of all the parties to the dispute is required in every individual case. This reservation is equally applicable to the provisions contained in the said section which stipulate that the advisory opinion of the International Court is to be accepted as decisive."

The Court began by referring to its earlier jurisprudence, recalling that the consent of States is not a condition precedent to its competence under Article 96 of the Charter and Article 65 of the Statute to give advisory opinions, although such advisory opinions are not binding. This applies even when the request for an opinion is seen as relating to a legal question pending between the United Nations and a Member State. The Court then noted that Section 30 of the General Convention operates on a different plane and in a different context from that of Article 96 of the Charter as, when the provisions of that Section are read in their totality, it is clear that their object is to provide a dispute settlement mechanism. If the Court had been seised with a request for an advisory opinion made under Section 30, it would of course have had to consider any reservation which a party to the dispute had made to that Section. However, in this case, the Court recalled that the Council's resolution contained no reference to Section 30 and considered that it was evident from the dossier that, in view of the existence of the Romanian reservation, it was not the intention of the Council to invoke that Section. The Court found that the request was not made under Section 30 and that it accordingly did not need to determine the effect of the Romanian reservation to that provision.

Romania had, however, contended *inter alia* that

"If it were accepted that a State party to the Convention, or the United Nations, might ask for disputes concerning the application or interpretation of the Convention to be brought before the Court on a basis other than the provisions of Section 30 of the Convention, that would disrupt the unity of the Convention, by separating the substantive provisions from those relating to dispute settlement, which would be tantamount to a modification of the content and

extent of the obligations entered into by States when they consented to be bound by the Convention."

The Court recalled that the nature and purpose of the proceedings before it were those of a request for advice on the applicability of a part of the General Convention, and not the bringing of a dispute before the Court for determination. It added that the "content and extent of the obligations entered into by States" – and, in particular, by Romania – "when they consented to be bound by the Convention" were not modified by the request and by the Court's advisory opinion.

The Court thus found that the reservation made by Romania to Section 30 of the General Convention did not affect the Court's jurisdiction to entertain the request submitted to it.

IV. Propriety of the Court giving an opinion (paras. 37-39)

While the absence of the consent of Romania to the proceedings before the Court could have no effect on its jurisdiction, the Court found that this was a matter to be considered when examining the propriety of its giving an opinion. The Court had recognized in its earlier jurisprudence, *inter alia*, that in "certain circumstances ... the lack of consent of an interested State may render the giving of an advisory opinion incompatible with the Court's judicial character" and had observed that an

> "instance of this would be when the circumstances disclose that to give a reply would have the effect of circumventing the principle that a State is not obliged to allow its disputes to be submitted to judicial settlement without its consent".

The Court considered that in this case to give a reply would have no such effect. Certainly the Council, in its resolution 1989/75, did conclude that a difference had arisen between the United Nations and the Government of Romania as to the *applicability* of the Convention to Mr. Dumitru Mazilu. It nonetheless seemed to the Court that this difference, and the question put to the Court in the light of it, was not to be confused with the dispute between the United Nations and Romania with respect to the *application* of the General Convention in the case of Mr. Mazilu. Accordingly, the Court did not find any "compelling reason" to refuse an advisory opinion, and decided to reply to the legal question on which such an opinion had been requested.

V. Meaning of Article VI, Section 22, of the General Convention (paras. 40-52)

The General Convention contains an Article VI entitled "Experts on Missions for the United Nations", divided into two Sections. Section 22 provides as follows:

> "Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such

privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

(b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(c) inviolability for all papers and documents;

(d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys."

The Court considered first what was meant by "experts on missions" for the purposes of Section 22 and noted that the General Convention gave no definition of "experts on missions". From Section 22 it was clear, firstly that the officials of the Organization, even if chosen in consideration of their technical expertise in a particular field, were not included in the category of experts within the meaning of that provision; and secondly that only experts performing missions for the Organization were covered by Section 22. That Section did not, however, furnish any indication of the nature, duration or place of these missions. Nor did the *travaux préparatoires* provide any more guidance in this respect. The Court found that the purpose of Section 22 is nevertheless evident, namely, to enable the United Nations to entrust missions to persons who do not have the status of an official of the Organization and to guarantee them "such privileges and immunities as are necessary for the independent exercise of their functions". The Court noted that in practice, according to the information supplied by the Secretary-General, the United Nations had had occasion to entrust missions – increasingly varied in nature – to persons not having the status of United Nations officials. Such persons had been entrusted with mediation, with preparing reports, preparing studies, conducting investigations or finding and establishing facts. In addition, many committees, commissions or similar bodies whose members served, not as representatives of States, but in a personal capacity, had been set up within the Organization. In all these cases, the practice of the United Nations showed that the persons so appointed, and in particular the members of these committees and commissions, had been regarded as experts on missions within the meaning of Section 22.

The Court then turned its attention to the meaning of the phrase "during the period of their missions, including the time spent on journeys", which is part of that Section. In this connection the question arose whether "experts on missions" are covered by Section 22 only during missions requiring travel or whether they are also covered when there is no such travel or apart from such travel. To answer this question, the Court considered it necessary to determine the meaning of the word "mission" in English and *"mission"* in French, the two languages in which the General Convention was adopted. Initially, the word referred to a task entrusted to a person only if that person was sent somewhere to perform it. It had however long since acquired a broader meaning and nowadays embraced in general the tasks entrusted to a person, whether or not those tasks involved travel. The Court considered that Section 22, in its reference to experts performing missions for the United Nations, used the word "mission" in a general sense. While some experts have necessarily to travel in order to perform their tasks, others can perform them without having to travel. In either case, the intent of Section 22 was to ensure the independence of such experts in the interests of the Organization by according them the privileges and immunities necessary for the purpose. The Court accordingly concluded that Section 22 was applicable to every expert on mission, whether or not he travelled.

The Court finally took up the question whether experts on missions can invoke the privileges and immunities provided for in Section 22 against the States of which they are nationals or on the territory of which they reside. In this connection, it noted that Section 15 of the General Convention provides that the terms of Article IV, Sections 11, 12 and 13, relating to the representatives of Members, "are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative", and observed that Article V, concerning officials of the Organization, and Article VI, concerning experts on missions for the United Nations, did not contain any comparable rule. It found that this difference of approach could readily be explained: the privileges and immunities of Articles V and VI were conferred with a view to ensuring the independence of international officials and experts in the interests of the Organization; this independence should be respected by all States, including the State of nationality and the State of residence. The Court noted, moreover, that some States parties to the General Convention had entered reservations to certain provisions of Article V or of Article VI itself, as regards their nationals or persons habitually resident on their territory. In its view, the very fact that it was felt necessary to make these reservations confirmed that in the absence of such reservations, experts on missions enjoyed the privileges and immunities provided for under the General Convention in their relations with the States of which they were nationals or on the territory of which they resided.

To sum up, the Court took the view that Section 22 of the General Convention was applicable to persons (other than United Nations

officials) to whom a mission had been entrusted by the Organization and who were therefore entitled to enjoy the privileges and immunities provided for in this Section with a view to the independent exercise of their functions; that during the whole period of such missions, experts enjoyed these functional privileges and immunities whether or not they travelled; and that those privileges and immunities might be invoked as against the State of nationality or of residence unless a reservation to Section 22 of the General Convention had been validly made by that State.

VI. Applicability of Article VI, Section 22, of the General Convention to special rapporteurs of the Sub-Commission (paras. 53-55)

Having emphasized that the situation of rapporteurs of the Sub-Commission was one which touched on the legal position of rapporteurs in general and was thus one of importance for the whole of the United Nations system, the Court noted that on 28 March 1947, the Council had decided that the Sub-Commission would be composed of 12 eminent persons, designated by name, subject to the consent of their respective national Governments, and that the members of the Sub-Commission, at present 25 in number, had subsequently been chosen by the Commission under similar conditions; it observed that the Council, in resolution 1983/32 of 27 May 1983, expressly "recall[ed] . . . that members of the Sub-Commission are elected by the Commission . . . as experts in their individual capacity". The Court therefore found that, since their status was neither that of a representative of a Member State nor that of a United Nations official, and since they performed independently for the Sub-Commission functions contemplated in its remit, the members of the Sub-Commission should be regarded as experts on missions within the meaning of Section 22.

The Court further noted that, in accordance with the practice followed by many United Nations bodies, the Sub-Commission had from time to time appointed rapporteurs or special rapporteurs with the task of studying specified subjects; it also noted that, while these rapporteurs or special rapporteurs are normally selected from among members of the Sub-Commission, there have been cases in which special rapporteurs have been appointed from outside the Sub-Commission or have completed their report only after their membership of the Sub-Commission had expired. In any event, rapporteurs or special rapporteurs are entrusted by the Sub-Commission with a research mission. The Court concluded that since their status is neither that of a representative of a Member State nor that of a United Nations official, and since they carry out such research independently on behalf of the United Nations, they must be regarded as experts on missions within the meaning of Section 22, even in the event that they are not, or are no longer, members of the Sub-Commission. This led the Court to infer that they enjoy, in accordance with that Section, the privileges and immunities necessary for the exercise of their functions, and

in particular for the establishment of any contacts which may be useful for the preparation, the drafting and the presentation of their reports to the Sub-Commission.

VII. Applicability of Article VI, Section 22, of the General Convention in the case of Mr. Mazilu (paras. 56-60)

The Court observed, in the light of the facts presented, that Mr. Mazilu had, from 13 March 1984 to 29 August 1985, the status of a member of the Sub-Commission; that from 29 August 1985 to 31 December 1987, he was both a member and a rapporteur of the Sub-Commission; and finally that, although since the last-mentioned date he had no longer been a member of the Sub-Commission, he had remained a special rapporteur. The Court found that at no time during that period had he ceased to have the status of an expert on mission within the meaning of Section 22, or ceased to be entitled to enjoy for the exercise of his functions the privileges and immunities provided for therein.

The Court nevertheless recalled that doubt had been expressed by Romania as to whether Mr. Mazilu was capable of performing his task as special rapporteur after being taken seriously ill in May 1987 and being subsequently placed on the retired list pursuant to decisions taken by the competent medical practitioners, in accordance with the applicable Romanian legislation; that Mr. Mazilu himself had informed the United Nations that the state of his health did not prevent him from preparing his report or from going to Geneva; and finally that, when a report by Mr. Mazilu had been circulated as a document of the Sub-Commission, Romania had called in question his "intellectual capacity" to draft "a report consistent with the requirements of the United Nations". After pointing out that it was not for it to pronounce on the state of Mr. Mazilu's health or on its consequences on the work he had done or was to do for the Sub-Commission, the Court pointed out that it was for the United Nations to decide whether in the circumstances it wished to retain Mr. Mazilu as special rapporteur and took note that decisions to that effect had been taken by the Sub-Commission.

The Court was of the opinion that in those circumstances Mr. Mazilu continued to have the status of special rapporteur, that as a consequence he should be regarded as an expert on mission within the meaning of Section 22 of the General Convention and that that Section was accordingly applicable in the case of Mr. Mazilu.

Operative paragraph (para. 61)

"For these reasons,

THE COURT,

Unanimously,

Is of the opinion that Article VI, Section 22, of the Convention on

the Privileges and Immunities of the United Nations is applicable in the case of Mr. Dumitru Mazilu as a special rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities."

*

Judges Oda, Evensen and Shahabuddeen appended separate opinions to the Advisory Opinion (*I.C.J. Reports 1989*, pp. 200-209, 210-211 and 212-221).

II. Application of the Statute and Rules of Court

1. Organization of the Court

(a) *The Presidency*

(Statute, Art. 48; Rules, Arts. 31, 44 and 45)

In the case concerning *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)*, the President of the Court made an Order extending the time-limit for the filing of the Memorial; in the case concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)*, he also made an Order extending the time-limits, for both the Memorial and the Counter-Memorial. In the case concerning the *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark* v. *Norway)*, the President made an Order in which he authorized the filing of a Reply and a Rejoinder in the case and fixed time-limits for the filing of these pleadings.

(b) *Non-participation of a judge in a case*

(Statute, Art. 17, para. 2)

In the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, a Member of the Court, who had been a member of the Arbitral Tribunal which had rendered the award which the Court was asked to declare inexistent, or null and void, informed the President of the Court that he considered that he should not participate in the case, and accordingly did not participate in the proceedings on a request for provisional measures in that case.

(c) *Judges* ad hoc

(i) *Case before the Court*

(Statute, Arts. 20 and 31; Rules, Arts. 4, 8 and 35)

In the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, Guinea-Bissau exercised the power conferred by Article 31, paragraph 2, of the Statute to choose a judge *ad hoc*. The judge *ad hoc* made the solemn declaration required by the Statute and Rules of Court at the first public sitting held by the Court in the case (see above, p. 140).

(ii) *Case referred to a Chamber*

(Statute, Art. 31; Rules, Art. 35, para. 5)

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, Honduras chose a judge *ad hoc* to sit in place of the judge *ad hoc* who had died while in office (see *I.C.J. Yearbook 1988-1989*, p. 160).

(d) *Composition of a Chamber*

(Statute, Arts. 20, 31 and 48; Rules, Arts. 4, 8, 17 and 35)

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, the Court made an Order by which it declared the composition of the Chamber formed to deal with that case following the replacement of the judge *ad hoc* who had died while in office (see above, under *(c)* (ii)). The new judge *ad hoc* made the solemn declaration required by the Statute and Rules of Court at the first public sitting held by the Chamber following the Court's Order (see above, pp. 143-144).

(e) *Presidency of a Chamber*

(Statute, Art. 48; Rules, Art. 18, para. 3, and Arts. 44 and 92)

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, the President of the Chamber, in an Order made in response to a request of one of the Parties and after the views of the other Party had been ascertained, extended the time-limit for the filing of a Reply by each of the Parties.

2. Contentious Procedure

(a) *Institution of proceedings*

(Statute, Art. 40; Rules, Arts. 38 and 40)

In the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, proceedings were instituted by an Application. The Registrar proceeded with the requisite communications, in accordance with the provisions of the Statute and the Rules of Court.

(b) *Fixing and extension of time-limits*

(Statute, Art. 48; Rules, Arts. 31, 44, 45 and 48)

In the cases concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)* and concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)*, the Court, having ascertained the views of the Parties, fixed time-limits for the written proceedings.

In the case concerning *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)*, the Court, by an Order dated 14 December 1989,

taking into account the terms of an agreement between the Parties, extended the time-limit for the filing of the Counter-Memorial to a date to be fixed by an order to be made after a defined date.

(For the fixing or extending of time-limits by the President of the Court and by the President of the Chamber in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, see above, under 1 *(a)* and *(e)*.)

(c) *Filing of pleadings*

In the cases concerning *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)*, the *Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark* v. *Norway)*, the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)*, *Certain Phosphate Lands in Nauru (Nauru* v. *Australia)*, the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)* and the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, pleadings were filed by the Parties within the prescribed time-limits.

(d) *Preliminary objections*

(Rules, Art. 79, para. 1)

In the case concerning the *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)*, the Government of the United States of America indicated that it intended to file preliminary objections to jurisdiction and admissibility prior to the filing of a Memorial by the Applicant. The Government of the Islamic Republic of Iran contended that the United States was estopped and time-barred from raising jurisdictional questions and that even if it were still entitled to do so there was no legal basis for the submission of preliminary objections prior to the filing of the Memorial. The Court, when fixing time-limits for the written proceedings by an Order of 13 December 1989, observed *inter alia* that, in accordance with Article 79, paragraph 1, of the Rules of Court, a respondent which wishes to submit a preliminary objection is entitled before doing so to be informed as to the nature of the claim by the submission of a Memorial by the Applicant but that it may nevertheless file its objection earlier. Judge Oda appended a declaration to the Order of the Court and Judges Schwebel and Shahabuddeen appended separate opinions.

No preliminary objections had been filed by the United States at the date of the filing, within the time-limit fixed, of the Memorial of Iran.

(e) *Accessibility of pleadings to the public*

(Rules, Art. 53, para. 2)

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, the Chamber, after ascertaining the views of the Parties, decided that the observations of the two Parties on the Nicarag-

uan Application for permission to intervene would be made accessible to the public as from the opening of the oral proceedings.

(f) *Oral proceedings*

(Rules, Arts. 31 and 58)

In the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*, at a meeting called by the President of the Court to ascertain the views of the Parties on the date for opening of the oral proceedings on compensation, the Agent of one of the Parties indicated that his new Government was carefully studying the different matters it had pending before the Court; that the instant case was very complex and that, added to the many difficult tasks facing the Government, these were special circumstances that would make it extremely inconvenient for it to take a decision on what procedure to follow in this case during the coming months. The President of the Court, in the light of the position of that Party, stated that he would inform the Court of that position and would in the meantime take no action to fix a date for hearings.

See further below, under *(j)* and *(k)*.

(g) *Questions put by judges*

(Statute, Art. 49; Rules, Arts. 61 and 72)

During the oral proceedings on the request for provisional measures in the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, four Members of the Court put questions to the Parties. The replies were given in writing, with documents in support, after the end of the oral proceedings; they were communicated to the other Party for comments.

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, the President of the Chamber put, on behalf of the Chamber, a question to the Agent of the State seeking permission to intervene. The reply was given orally during the hearing.

(h) *Presentation of new documents*

(Statute, Art. 52; Rules, Art. 56)

In the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, new documents were submitted by one of the Parties during the oral proceedings on the request for indication of provisional measures.

(i) *Final submissions*

(Rules, Art. 60, para. 2)

During the oral proceedings on the request for permission to intervene in the case concerning the *Land, Island and Maritime Frontier Dispute*

(El Salvador/Honduras), both Parties presented submissions and the State seeking to intervene stated by way of conclusion the request it was making of the Court.

(j) *Provisional measures*

(Statute, Arts. 41 and 48; Rules, Arts. 73 and 74)

In the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*, one of the Parties made a request to the Court for the indication of provisional measures on 18 January 1990. On 12 February 1990 hearings were held by the Court at which oral observations on the request were made by both Parties. In an Order of 2 March 1990 the Court dismissed the request for provisional measures.

(k) *Intervention*

(Statute, Arts. 26, 27, 48 and 62; Rules, Arts. 81, 83, 84, 85 and 90)

In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, the Republic of Nicaragua filed in the Registry of the Court an Application for permission to intervene in the case, which Application was stated to be made by virtue of Article 36, paragraph 1, and Article 62 of the Statute of the Court.

In its Application, Nicaragua contended that its request for permission to intervene was a matter exclusively within the procedural mandate of the full Court. By an Order dated 28 February 1990, the Court, after considering the written observations of the Parties on the question, and the observations of Nicaragua in response to those observations, found that it was for the Chamber to decide whether the Application for permission to intervene under Article 62 of the Statute should be granted. Judge Oda appended a declaration and Judges Elias, Tarassov and Shahabuddeen dissenting opinions to the Order.

Pursuant to Article 83, paragraph 1, of the Rules of Court, the two Parties to the case, El Salvador and Honduras, were invited to furnish their observations on the Application for permission to intervene, and both parties submitted such observations within the time-limit fixed therefor.

Since one of the Parties in its observations requested the Chamber to deny the permission to intervene sought by Nicaragua the Court was required by Article 84, paragraph 2, of the Rules of Court to hear the State seeking to intervene and the Parties before deciding. Oral proceedings were held in which the Applicant for permission to intervene and the two Parties presented oral arguments.

At the date of this *Yearbook* no decision had been given on the Application.

3. Advisory Proceedings

(a) *Written comments*

(Statute, Art. 66, para. 4; Rules, Art. 105, para. 2 *(a)*)

In the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*, written comments were submitted, within the time-limit fixed, by the United States of America on the written statements submitted in the case (see *I.C.J. Yearbook 1988-1989*, p. 163). These comments, and the written statements, were communicated by the Registrar to the States to which he had sent the special and direct communication and to the United Nations.

(b) *Accessibility of documentation to the public*

(Rules, Art. 106)

In the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*, the Court, when deciding to hold hearings, also decided to make the written statements and comments submitted to the Court accessible to the public, with effect from the opening of the oral proceedings.

(c) *Oral proceedings*

(Statute, Art. 66; Rules, Art. 105, para. 2 *(b)*)

In the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*, oral statements were made on behalf of the Secretary-General of the United Nations and of the United States of America. None of the other States which had presented written statements expressed a desire to be heard.

(d) *Questions put by judges*

(Statute, Arts. 49 and 68; Rules, Arts. 61 and 102)

In the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*, questions were put by Members of the Court to the representative of the Secretary-General of the United Nations, and answered before the close of the oral proceedings.

(e) *Public reading of the Advisory Opinion*

(Statute, Art. 67; Rules, Art. 107)

The Advisory Opinion in the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* was read at a public sitting, but in view of its length the President of the Court omitted or summarized certain passages.

III. Representation of the Court

At the ceremonies held in Windhoek on 20 and 21 March 1990 to mark the accession to independence of Namibia, the Court was represented by Judge Mohammed Bedjaoui, one-time Vice-President of the United Nations Council for Namibia, accompanied by the Deputy-Registrar.

IV. Visits of Heads of State

On 3 October 1989 the President of the Portuguese Republic, His Excellency Mr. Mario Soares, was received by the Court at a formal sitting in the Great Hall of Justice of the Peace Palace. At the sitting which was attended by the diplomatic corps and representatives of the Dutch Government, the President of the Court made a welcoming speech, to which the President of Portugal replied.

The President of the Republic of Cyprus, His Excellency Mr. George Vassos Vassiliou, visited the Court on 13 June 1990. He was received in private by President Ruda and Members of the Court.

V. Report and Representation of the Court at the General Assembly

On the occasion of the forty-fourth session of the General Assembly, the Court submitted a report on its activities from 1 August 1988 to 31 July 1989 (A/44/4). This report was divided into eight parts, relating respectively to the composition, jurisdiction and judicial work of the Court, international conferences, visits, lectures on the work of the Court, administrative questions, and its publications and documents. The General Assembly took note of the report at its 43rd plenary meeting held on 1 November 1989.

The President and the Registrar represented the Court at the opening of the forty-fourth session of the United Nations General Assembly. Those Members of the Court who were present in New York also attended part of the forty-fourth session of the General Assembly.

A report dealing with the period 1 August 1989 to 31 July 1990 will be submitted on the occasion of the forty-fifth session of the General Assembly (A/45/4).

VI. Applications from Private Persons

Private persons frequently apply to the Court for the purpose of obtaining a decision on matters at issue between them and the authorities of their own or of another country. Between 1 August 1989 and 31 July

1990, the Court received approximately 1,200 requests of this kind. The writers were informed that, according to Article 34 of the Statute, "only States may be parties in cases before the Court".

APPENDIX

I. Action Pursuant to Decisions of the Court

The present heading contains the information received in the Registry between 1 August 1989 and 31 July 1990 concerning action taken pursuant to decisions of the Court. The Registry, which does not take the initiative of seeking such information, publishes it without comment as and when it is received and can accept no responsibility in connection with it.

1. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America)*

At the 77th plenary meeting of its forty-fourth session, on 7 December 1989, the General Assembly adopted resolution A/RES/44/43, which for the fourth time[1] called for full and immediate compliance with the Court's Judgment of 27 June 1986 in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*. The draft resolution, which was submitted by Nicaragua, was adopted by 91 votes in favour to 2 against with 41 abstentions[2]. The following is the text of the resolution:

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[1] See *I.C.J. Yearbook 1986-1987*, pp. 165-166, *I.C.J. Yearbook 1987-1988*, pp. 153-154, and *I.C.J. Yearbook 1988-1989*, pp. 167-168.

[2] *In favour*: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Barbados, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Maldives, Mali, Mexico, Mongolia, Myanmar, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Seychelles, Solomon Islands, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Antigua and Barbuda, Bahrain, Belgium, Brunei Darussalam, Central African Republic, Chad, Costa Rica, Côte d'Ivoire, Dominica, Dominican Republic, Egypt, France, Gambia, Germany, Federal Republic of, Grenada, Guatemala, Honduras, Italy, Jamaica, Japan, Jordan, Liberia, Luxembourg, Malaysia, Malta, Mauritius, Morocco, Netherlands, Oman, Portugal, Rwanda, Samoa, Senegal, Sierra Leone, Sri Lanka, Sudan, Togo, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Yemen.

"*Judgment of the International Court of Justice of 27 June 1986 concerning military and paramilitary activities in and against Nicaragua: need for immediate compliance*

The General Assembly,

Recalling Security Council resolutions 530 (1983) of 19 May 1983 and 562 (1985) of 10 May 1985, and General Assembly resolutions 41/31 of 3 November 1986, 42/18 of 12 November 1987 and 43/11 of 25 October 1988,

Aware that, under the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations and that each Member undertakes to comply with the decision of the Court in any case to which it is a party,

Considering that Article 36, paragraph 6, of the Statute of the Court provides that 'in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court',

Recalling the Judgment of the International Court of Justice of 27 June 1986 in the case of 'Military and Paramilitary Activities in and against Nicaragua',

Having considered the events that have taken place in and against Nicaragua since the Judgment was rendered, in particular the continued financing by the United States of America of military and other activities in and against Nicaragua,

Emphasizing the obligation of States, under customary international law, not to intervene in the internal affairs of other States,

1. *Reiterates once again its urgent call* for full and immediate compliance with the Judgment of the International Court of Justice of 27 June 1986 in the case of 'Military and Paramilitary Activities in and against Nicaragua' in conformity with the relevant provisions of the Charter of the United Nations;

2. *Requests* the Secretary-General to keep the General Assembly informed on the implementation of the present resolution;

3. *Decides* to include in the provisional agenda of its forty-fifth session the item entitled 'Judgment of the International Court of Justice of 27 June 1986 concerning military and paramilitary activities in and against Nicaragua: need for immediate compliance'."

2. Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations

In a letter dated 22 December 1989 the Secretary-General of the United Nations transmitted the text of the Court's Advisory Opinion to the President of the Economic and Social Council (UN doc. E/1990/15 of 26 January 1990 and E/1990/15/Add.1).

At the 14th plenary meeting of its 1990 session, held on 25 May 1990,

the Economic and Social Council adopted resolution 1990/43, the full text of which reads as follows:

> "*Advisory opinion on the applicability of the Convention on the Privileges and Immunities of the United Nations in the case of rapporteurs and special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities*
>
> *The Economic and Social Council,*
>
> *Having requested,* on a priority basis, in its resolution 1989/75 of 24 May 1989, an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
>
> 1. *Expresses its appreciation* to the International Court of Justice for having given the unanimous opinion, on 15 December 1989, that article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations is applicable in the case of the special rapporteur in question;
>
> 2. *Welcomes* the opinion of the Court to the effect that rapporteurs and special rapporteurs of the Sub-Commission must be regarded as experts on mission within the meaning of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations."

II. Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice

The Court has taken note of the announcement by the Secretary-General of the United Nations, at the meeting of the General Assembly held on 1 November 1989, of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. It has noted that the purpose of the Fund is to provide, in accordance with the terms and conditions specified in the Terms of Reference, Guidelines and Rules, financial assistance to States for expenses incurred in connection with: (i) a dispute submitted to the International Court of Justice by way of a Special Agreement, or (ii) the execution of a Judgment of the Court resulting from such Special Agreement.

III. United Nations Decade of International Law

In the Court's previous report to the General Assembly (A/44/4, at p. 12) mention was made of the ministerial meeting of the Movement of Non-Aligned Countries on peace and the rule of law in international

affairs, which was held in the Peace Palace from 25 to 29 June 1989. That meeting adopted the Hague Declaration which stressed the supremacy of international law in the preservation of peace and the promotion of justice and called upon the United Nations General Assembly to declare a decade of international law, to begin in 1990 and conclude in 1999, in a third Peace Conference, which would mark the centennial of the first International Peace Conference, held at The Hague.

The Court has taken note of General Assembly resolution 44/23 of 17 November 1989 entitled "United Nations Decade of International Law", which declares the period 1990-1999 as such Decade and which, *inter alia*, considers one of the main purposes of the Decade to be:

> "To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice."

CHAPTER VII

PUBLICATIONS OF THE COURT

The publications of the International Court of Justice are published by the Registry (Rules of Court, Art. 26, para. 1 *(i)*, and Art. 71, para. 6; Instructions for the Registry, Arts. 23, 43, 67-69 and 72).

Information about the publications of the present Court and those of its forerunner, the *Permanent Court of International Justice*, is given below[1].

I. General

1. Series Published by the International Court of Justice

The publications of the Court are at present classified in series as shown hereunder. Their size is 15.6 × 24 cm when they are published in paper covers and 16 × 24.5 cm when published in hard covers.

(a) *Reports of Judgments, Advisory Opinions and Orders*

This series contains the Reports of the decisions of the Court in both the English and the French texts. Each decision is published as soon as given, in an unbound fascicle which is sold separately[2]. To allow for binding, a continuous system of pagination is adopted for all the fascicles of any one year.

In January of each year, an analytical index is published of the previous year's decisions; this also may be purchased separately. A binder is available for those who obtain the separate fascicles and the index at the time of their publication. The collected decisions, with index, for each year may also be obtained ready bound together in one volume.

Forty-one bound volumes have so far been published, the first being the *I.C.J. Reports* for the years 1947 and 1948, which are collected in a single volume. (The *I.C.J. Reports 1965*, *1967*, *1968*, *1977*, *1979* and *1983* are not indexed.)

Official citation of the series: *I.C.J. Reports*, with an indication of the year. For a separate fascicle the short title of the case and the nature of the decision should be given, e.g.: *Nottebohm, Preliminary Objection, Judgment, I.C.J. Reports 1953*, p. 111; or *Nottebohm, Order of 15 January 1954, I.C.J. Reports 1954*, p. 7. (See Sec. II, pp. 176-184, below.)

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[1] The documents prepared and distributed by the Registry for information purposes are dealt with in Chapter V, above: see pp. 122-123.

[2] See Chap. V, p. 128, above.

(b) *Pleadings, Oral Arguments, Documents*

Volumes in this series are published after the termination of each case and contain the documentation relating to the case in the original language, that is, in English or in French.

This comprises the document instituting proceedings[1], the written pleadings and their annexes[2], the verbatim record of the oral proceedings[3], any documents submitted to the Court after the closure of the written proceedings, and the correspondence. The Court however decided in 1967 that the annexes to the pleadings would no longer be printed in cases which had been removed from the General List either because the application instituting proceedings disclosed that the other side had not accepted the jurisdiction of the Court or because there had been a settlement or a discontinuance of the case.

Depending upon the length of the documents to be printed, one or more volumes are issued for each case. Thus far 111 volumes have been published. The volumes which appeared up to 31 December 1964 are sold in hard covers whereas subsequent volumes are in paper covers.

Abbreviated reference: *I.C.J. Pleadings*, with the short title of the case, e.g.: *I.C.J. Pleadings, Nottebohm*, Vol. I. (See Sec. III, pp. 188-194, below.)

(c) *Acts and Documents concerning the Organization of the Court*

Five volumes have appeared in this bilingual (English/French) series.

No. 1 is now out of print.

No. 2 contained, in paper covers, the text of the Rules of Court as amended in 1972.

No. 3 contained the texts of the Charter of the United Nations, the Statute and Rules of Court and the Resolution concerning the Internal Judicial Practice of the Court, together with certain documents relating to the Court's privileges and immunities. It was published in 1977, in paper covers.

No. 4 contains the same documents as *No. 3* but with the text of the 1978 revised Rules of Court replacing that of the 1972 amended Rules; it further includes certain resolutions concerning States entitled to appear before the Court. It was published in July 1978 and is available in paper covers.

No. 5 contains the same documents as *No. 4*, with some corrections and an additional resolution concerning a State entitled to appear before the Court. It was published in July 1990, the stock of *No. 4* having been exhausted, and is available in paper covers.

Abbreviated reference: *I.C.J. Acts and Documents*, with an indication of the number of the volume.

(d) *Yearbook*

In the second half of each year there appears a *Yearbook* in which an account is given of the work of the Court during the period from 1 August

[1] See Chap. V, pp. 124 and 132, above.
[2] *Ibid.*, pp. 125-126, above.
[3] *Ibid.*, pp. 126-127, above.

of the preceding year to 31 July of the current year. There is also a French edition of this publication, the *Annuaire*.

The present *Yearbook* is the forty-fourth in the series, which started with *I.C.J. Yearbook 1946-1947*. Like the 25 preceding issues, it is sold in paper covers whereas the first 18 volumes were sold in hard covers.

Abbreviated reference: *I.C.J. Yearbook*, with an indication of the year covered by the volume, e.g.: *I.C.J. Yearbook 1954-1955*.

(c) *Bibliography of the International Court of Justice*

Early each year the Registry issues a *Bibliography* listing such works and documents relating to the Court as have come to its attention during the previous year.

Bibliographies Nos. 1-18 formed Chapter IX in the appropriate *Yearbook* or *Annuaire* up to the 1963-1964 editions. Beginning with No. 19, later *Bibliographies* were issued as separate fascicles with introduction and index in both English and French, but arranged so as to facilitate the binding of several numbers together. The latest *I.C.J. Bibliography* published is No. 42 (year 1988).

Abbreviated reference: *I.C.J. Bibliography*, with the serial number of the volume, followed, if desired, by the entry number of the work cited. E.g.: *I.C.J. Bibliography No. 7*: 2528 for the *Bibliographies* prior to No. 35, and *I.C.J. Bibliography No. 35*: 81: 150 as from 1981.

2. Dissemination of the Publications of the International Court of Justice

The publications of the Court are distributed free on request and as required to the governments or public services of all States entitled to appear before the Court.

They may be consulted in major law libraries, including many university libraries, certain depository libraries for United Nations publications, and libraries aided by the United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law.

They are sold by the Sales Sections of the United Nations Secretariat: Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10, Switzerland, or the Sales Section, United Nations, New York, NY 10017, USA, and may also be obtained from any bookseller selling United Nations publications. *Orders and requests for information should be sent to these addresses and not to the Registry.*

A *Catalogue* is issued in English and French. It lists the sales number of each publication and its price in US dollars. It is brought up to date each year, by means either of an addendum or of a new edition. A free copy of the *Catalogue* may be obtained by applying to one of the Sales Sections of the United Nations or to the Registry.

3. Publications of the Permanent Court of International Justice

Between 1922 and 1946 the *Permanent Court of International Justice* published the following series:

Series A (Nos. 1-24): *Collection of Judgments* (up to and including 1930)
Series B (Nos. 1-18): *Collection of Advisory Opinions* (up to and including 1930)
Series A/B (Nos. 40-80): *Judgments, Orders and Advisory Opinions* (beginning in 1931)
Series C (Nos. 1-19): *Acts and Documents relating to Judgments and Advisory Opinions given by the Court* (up to and including 1930)
Series C (Nos. 52-88): *Pleadings, Oral Statements and Documents* (beginning in 1931)
Series D (Nos. 1-6): *Acts and Documents concerning the Organization of the Court*
Series E (Nos. 1-16): *Annual Reports*
Series F (Nos. 1-4): *General Indexes*

They may be consulted in certain university and other libraries with a substantial legal section.

They can also be obtained from Kraus Reprint Co., Kraus-Thomson Organization Limited, Route 100, Millwood, NY 10546, USA, to whom all orders and requests for information should be addressed.

II. Official Citation of Judgments, Advisory Opinions and Orders

In order to standardize the mode of citation of the decisions of the International Court of Justice and the *Permanent Court of International Justice*, the Court decided to use the titles below, which are listed in chronological order.

Orders solely fixing or extending time-limits are omitted.

1. Permanent Court of International Justice

1922

Designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, Advisory Opinion, 1922, P.C.I.J., Series B, No. 1.

Competence of the ILO in Regard to International Regulation of the Conditions of Labour of Persons Employed in Agriculture, Advisory Opinion, 1922, P.C.I.J., Series B, No. 2.

Competence of the ILO to Examine Proposals for the Organization and Development of the Methods of Agricultural Production, Advisory Opinion, 1922, P.C.I.J., Series B, No. 3.

1923

Nationality Decrees Issued in Tunis and Morocco, Advisory Opinion, 1923, P.C.I.J., Series B, No. 4.

Status of Eastern Carelia, Advisory Opinion, 1923, P.C.I.J., Series B, No. 5.

S.S. "Wimbledon", Judgments, 1923, P.C.I.J., Series A, No. 1.

German Settlers in Poland, Advisory Opinion, 1923, P.C.I.J., Series B, No. 6.

Acquisition of Polish Nationality, Advisory Opinion, 1923, P.C.I.J., Series B, No. 7.

Jaworzina, Advisory Opinion, 1923, P.C.I.J., Series B, No. 8.

1924

Mavrommatis Palestine Concessions, Judgment No. 2, 1924, P.C.I.J., Series A, No. 2.

Monastery of Saint-Naoum, Advisory Opinion, 1924, P.C.I.J., Series B, No. 9.

Treaty of Neuilly, Article 179, Annex, Paragraph 4 (Interpretation), Judgment No. 3, 1924, P.C.I.J., Series A, No. 3.

1925

Exchange of Greek and Turkish Populations, Advisory Opinion, 1925, P.C.I.J., Series B, No. 10.

Interpretation of Judgment No. 3, Judgment No. 4, 1925, P.C.I.J., Series A, No. 4.

Mavrommatis Jerusalem Concessions, Judgment No. 5, 1925, P.C.I.J., Series A, No. 5.

Polish Postal Service in Danzig, Advisory Opinion, 1925, P.C.I.J., Series B, No. 11.

Certain German Interests in Polish Upper Silesia, Jurisdiction, Judgment No. 6, 1925, P.C.I.J., Series A, No. 6.

Interpretation of Article 3, Paragraph 2, of the Treaty of Lausanne, Advisory Opinion, 1925, P.C.I.J., Series B, No. 12.

1926

Certain German Interests in Polish Upper Silesia, Merits, Judgment No. 7, 1926, P.C.I.J., Series A, No. 7.

Competence of the ILO to Regulate Incidentally the Personal Work of the Employer, Advisory Opinion, 1926, P.C.I.J., Series B, No. 13.

1927

Denunciation of the Treaty of 2 November 1865 between China and Belgium, Orders of 8 January, 15 February and 18 June 1927, P.C.I.J., Series A, No. 8.

Factory at Chorzów, Jurisdiction, Judgment No. 8, 1927, P.C.I.J., Series A, No. 9.

"Lotus", Judgment No. 9, 1927, P.C.I.J., Series A, No. 10.

Readaptation of the Mavrommatis Jerusalem Concessions, Judgment No. 10, 1927, P.C.I.J., Series A, No. 11.

Factory at Chorzów, Order of 21 November 1927, P.C.I.J., Series A, No. 12.

Jurisdiction of the European Commission of the Danube, Advisory Opinion, 1927, P.C.I.J., Series B, No. 14.

Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów), Judgment No. 11, 1927, P.C.I.J., Series A, No. 13.

1928

Denunciation of the Treaty of 2 November 1865 between China and Belgium, Order of 21 February 1928, P.C.I.J., Series A, No. 14.

Jurisdiction of the Courts of Danzig, Advisory Opinion, 1928, P.C.I.J., Series B, No. 15.

Rights of Minorities in Upper Silesia (Minority Schools), Judgment No. 12, 1928, P.C.I.J., Series A, No. 15.

Denunciation of the Treaty of 2 November 1865 between China and Belgium, Order of 13 August 1928, P.C.I.J., Series A, No. 16.

Interpretation of the Greco-Turkish Agreement of 1 December 1926 (Final Protocol, Article IV), Advisory Opinion, 1928, P.C.I.J., Series B, No. 16.

Factory at Chorzów, Merits, Judgment No. 13, 1928, P.C.I.J., Series A, No. 17.

1929

Denunciation of the Treaty of 2 November 1865 between China and Belgium, Order of 25 May 1929, P.C.I.J., Series A, No. 18.

Factory at Chorzów, Order of 25 May 1929, P.C.I.J., Series A, No. 19.

Serbian Loans, Judgment No. 14, 1929, P.C.I.J., Series A, No. 20.

Brazilian Loans, Judgment No. 15, 1929, P.C.I.J., Series A, No. 21.

Free Zones of Upper Savoy and the District of Gex, Order of 19 August 1929, P.C.I.J., Series A, No. 22.

Territorial Jurisdiction of the International Commission of the River Oder, Judgment No. 16, 1929, P.C.I.J., Series A, No. 23.

1930

Greco-Bulgarian "Communities", Advisory Opinion, 1930, P.C.I.J., Series B, No. 17.

Free City of Danzig and ILO, Advisory Opinion, 1930, P.C.I.J., Series B, No. 18.

Free Zones of Upper Savoy and the District of Gex, Order of 6 December 1930, P.C.I.J., Series A, No. 24.

1931

Access to German Minority Schools in Upper Silesia, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 40, p. 4.

Customs Régime between Germany and Austria, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 41, p. 37.

Railway Traffic between Lithuania and Poland, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 42, p. 108.

Access to, or Anchorage in, the Port of Danzig, of Polish War Vessels, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 43, p. 128.

1932

Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in the Danzig Territory, Advisory Opinion, 1932, P.C.I.J., Series A/B, No. 44, p. 4.

Interpretation of the Greco-Bulgarian Agreement of 9 December 1927, Advisory Opinion, 1932, P.C.I.J., Series A/B, No. 45, p. 68.

Free Zones of Upper Savoy and the District of Gex, Judgment, 1932, P.C.I.J., Series A/B, No. 46, p. 96.

Interpretation of the Statute of the Memel Territory, Preliminary Objection, Judgment, 1932, P.C.I.J., Series A/B, No. 47, p. 243.

Legal Status of the South-Eastern Territory of Greenland, Orders of 2 and 3 August 1932, P.C.I.J., Series A/B, No. 48, p. 268.

Interpretation of the Statute of the Memel Territory, Merits, Judgment, 1932, P.C.I.J., Series A/B, No. 49, p. 294.

Interpretation of the Convention of 1919 concerning Employment of Women during the Night, Advisory Opinion, 1932, P.C.I.J., Series A/B, No. 50, p. 365.

1933

Delimitation of the Territorial Waters between the Island of Castellorizo and the Coasts of Anatolia, Order of 26 January 1933, P.C.I.J., Series A/B, No. 51, p. 4.

Prince von Pless Administration, Order of 4 February 1933, P.C.I.J., Series A/B, No. 52, p. 11.

Legal Status of Eastern Greenland, Judgment, 1933, P.C.I.J., Series A/B No. 53, p. 22.

Prince von Pless Administration, Order of 11 May 1933, P.C.I.J., Series A/B, No. 54, p. 150.

Legal Status of the South-Eastern Territory of Greenland, Order of 11 May 1933, P.C.I.J., Series A/B, No. 55, p. 157.

Appeals from Certain Judgments of the Hungaro/Czechoslovak Mixed Arbitral Tribunal, Order of 12 May 1933, P.C.I.J., Series A/B, No. 56, p. 162.

Prince von Pless Administration, Order of 4 July 1933, P.C.I.J., Series A/B, No. 57, p. 167.

Polish Agrarian Reform and German Minority, Order of 29 July 1933, P.C.I.J., Series A/B, No. 58, p. 175.

Prince von Pless Administration, Order of 2 December 1933, P.C.I.J., Series A/B, No. 59, p. 194.

Polish Agrarian Reform and German Minority, Order of 2 December 1933, P.C.I.J., Series A/B, No. 60, p. 201.

Appeal from a Judgment of the Hungaro/Czechoslovak Mixed Arbitral Tribunal (The Peter Pázmány University), Judgment, 1933, P.C.I.J., Series A/B, No. 61, p. 208.

1934

Lighthouses case between France and Greece, Judgment, 1934, P.C.I.J., Series A/B, No. 62, p. 4.

Oscar Chinn, Judgment, 1934, P.C.I.J., Series A/B, No. 63, p. 65.

1935

Minority Schools in Albania, Advisory Opinion, 1935, P.C.I.J., Series A/B, No. 64, p. 4.

Consistency of Certain Danzig Legislative Decrees with the Constitution of the Free City, Advisory Opinion, 1935, P.C.I.J., Series A/B, No. 65, p. 41.

1936

Pajzs, Csáky, Esterházy, Order of 23 May 1936, P.C.I.J., Series A/B, No. 66, p. 4.

Losinger, Order of 27 June 1936, P.C.I.J., Series A/B, No. 67, p. 15.

Pajzs, Csáky, Esterházy, Judgment, 1936, P.C.I.J., Series A/B, No. 68, p. 30.

Losinger, Order of 14 December 1936, P.C.I.J., Series A/B, No. 69, p. 99.

1937

Diversion of Water from the Meuse, Judgment, 1937, P.C.I.J., Series A/B, No. 70, p. 4.

Lighthouses in Crete and Samos, Judgment, 1937, P.C.I.J., Series A/B, No. 71, p. 94.

Borchgrave, Judgment, 1937, P.C.I.J., Series A/B, No. 72, p. 158.

1938

Borchgrave, Order of 30 April 1938, P.C.I.J., Series A/B, No. 73, p. 4.

Phosphates in Morocco, Judgment, 1938, P.C.I.J., Series A/B, No. 74, p. 10.

Panevezys-Saldutiskis Railway, Order of 30 June 1938, P.C.I.J., Series A/B, No. 75, p. 53.

1939

Panevezys-Saldutiskis Railway, Judgment, 1939, P.C.I.J., Series A/B, No. 76, p. 4.

Llectricity Company of Sofia and Bulgaria, Judgment, 1939, P.C.I.J., Series A/B, No. 77, p. 64.

Société Commerciale de Belgique, Judgment, 1939, P.C.I.J., Series A/B, No. 78, p. 160.

Electricity Company of Sofia and Bulgaria, Order of 5 December 1939, P.C.I.J., Series A/B, No. 79, p. 194.

1940

Electricity Company of Sofia and Bulgaria, Order of 26 February 1940, P.C.I.J., Series A/B, No. 80, p. 4.

2. International Court of Justice

1948

Corfu Channel, Preliminary Objection, Judgment, 1948, I.C.J. Reports 1947-1948, p. 15.

Corfu Channel, Order of 26 March 1948, I.C.J. Reports 1947-1948, p. 53.

Conditions of Admission of a State to Membership in the United Nations (Article 4 of Charter), Advisory Opinion, 1948, I.C.J. Reports 1947-1948, p. 57.

Corfu Channel, Order of 17 December 1948, I.C.J. Reports 1947-1948, p. 124.

1949

Corfu Channel, Merits, Judgment, I.C.J. Reports 1949, p. 4.

Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, I.C.J. Reports 1949, p. 174.

Corfu Channel, Order of 19 November 1949, I.C.J. Reports 1949, p. 237.

Corfu Channel, Assessment of Amount of Compensation, Judgment, I.C.J. Reports 1949, p. 244.

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III. Abbreviated References to Pleadings, Oral Arguments, Documents

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For the convenience of the reader, the names of the Parties in contentious cases (separated by a stroke if proceedings were instituted by means of a special agreement), or the name of the body which requested the advisory opinion, have been added in small type to the abbreviated references.

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[1] In this case, annexes to written pleadings, and documents submitted after the closure of the written proceedings, were not reproduced. Sets of these texts were, however, deposited in a number of public libraries, a list of which is given in the introductory pages of Volume X.

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1978

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Tunisia/Libyan Arab Jamahiriya

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UN Economic and Social Council

CHAPTER VIII

FINANCES OF THE COURT

I. Financial Regulations

In regard to financial matters, the International Court of Justice applies Articles 32, 33, 35 and 64 of the Statute of the Court, Article 26, paragraph 1 *(j)*, of the Rules of Court, the Staff Regulations for the Registry and the relevant resolutions of the General Assembly of the United Nations.

1. General Regulations

(a) *Method of covering expenditure*

Article 33 of the Statute of the Court provides: "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly." As the budget of the Court has consequently been incorporated in the budget of the United Nations, member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments determined by the General Assembly.

States which are not members of the United Nations but which are parties to the Statute pay, in accordance with the undertaking into which they entered when they became parties to the Statute (see Chap. III, pp. 47-48, above), a contribution the amount of which is fixed from time to time by the General Assembly in consultation with them. By its resolution 43/223 of 21 December 1988, the General Assembly decided that these States should contribute to the expenses of the Court for the years 1989, 1990 and 1991 in the following proportions: Liechtenstein 0.01%; Nauru 0.01%; San Marino 0.01%; Switzerland 1.08%.

If a State which is not a party to the Statute but to which the Court is open is a party to a case, the Court will fix the amount which that party is to contribute towards the expenses of the Court (Statute, Art. 35, para. 3). Payment is then made by the State concerned to the account of the United Nations in New York.

The contributions of States which are not members of the United Nations are taken into account as miscellaneous income received by the Organization.

Under an established rule, sums derived from staff assessment, sales of publications (dealt with by the Sales Sections of the Secretariat – see Chap. VII, p. 170, above), bank interest, etc., are also recorded as United Nations income.

(b) *Drafting of the budget*

In accordance with the Instructions for the Registry (Arts. 26-30), a preliminary draft budget is prepared by the Registrar. If the Court is sitting, this preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court and then, for approval, to the Court itself. If the Court is not sitting, approval must be given by the President.

When it has been approved, the draft budget is forwarded to the Secretariat of the United Nations for incorporation in the draft budget of the United Nations. It is then examined by the United Nations Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of the resolutions concerning the budget of the United Nations and its unforeseen and extraordinary expenses.

Since 1974 the budget has been presented biennially.

(c) *Financing of appropriations and accounts*

The Registrar is responsible for executing the budget, with the assistance of the Accountant/Establishment Officer. He has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget (Instructions for the Registry, Art. 31). He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority (Instructions for the Registry, Art. 35).

The accounts of the Court are audited every year by the auditors of the Secretariat of the United Nations and by the Board of Auditors appointed by the General Assembly. At the end of each biennium, the closed accounts are forwarded to the Secretariat of the United Nations (Instructions for the Registry, Art. 34).

2. Salaries and Expenses of Judges

(a) *Emoluments*

By virtue of Article 32, paragraph 5, of the Statute, the salaries, allowances and compensation paid to the judges are fixed by the General Assembly. In this connection, the General Assembly adopted resolution 19 (I) of 6 February 1946, resolution 85 (I) of 11 December 1946, resolution 474 (V) of 15 December 1950, resolution 1738 (XVI) of 20 December 1961, resolution 2366 (XXII) of 19 December 1967, resolution 2890 B (XXVI) of 22 December 1971, resolution 3193 B (XXVIII) of 18 December 1973, resolution 3537 B (XXX) of 17 December 1975, resolution 31/204 of 22 December 1976, resolution 35/220 A of 17 December 1980 and resolution 40/257 of 18 December 1985.

The emoluments of Members of the Court are made up of an annual salary, which is normally reviewed by the General Assembly every five

years, but which may not be decreased during the period of office (Statute of the Court, Art. 32, paras. 1 and 5; General Assembly resolution 31/204 of 22 December 1976), and an interim cost-of-living supplement calculated at the beginning of each year (resolution 31/204 of 22 December 1976 and resolution 35/220 A of 17 December 1980). This annual salary and interim supplement were, respectively, US$50,000 with effect from 1 January 1976 (resolution 3537 B (XXX) of 17 December 1975), and US$24,500 with effect from 1 January 1980. At its session in autumn 1980, the General Assembly, effecting its first five-yearly review of the emoluments of Members of the Court, fixed the annual salary at US$70,000, thus in fact incorporating in it part of the interim supplement (resolution 35/220 A of 17 December 1980). In January 1981, the interim supplement was recalculated on a new base and fixed at US$12,000 for 1981. Both these new rates were applied with effect from 1 January 1981. In 1982, 1983, 1984 and 1985 the interim supplement remained unchanged.

At its session in Autumn 1985, the General Assembly, effecting its second five-yearly review of the emoluments of Members of the Court, fixed the annual salary at US$82,000, thus incorporating part of the interim supplement (resolution 40/257 of 18 December 1985). The interim supplement was fixed at US$3,000 for 1986 and remained unchanged for 1987. For 1988 this supplement was fixed at US$13,800 and remained unchanged for 1989. For 1990 this supplement was fixed at US$19,750.

Under Article 32, paragraphs 2 and 3, of the Statute, the President of the Court and the Vice-President (for every day on which he acts as President) receive special allowances in addition, at a rate fixed by resolution 40/257 of 18 December 1985.

Finally, under Article 32, paragraph 4, of the Statute and General Assembly resolution 19 (I) of 6 February 1946, judges *ad hoc* chosen to sit in certain cases under Article 31 of the Statute receive daily fees and a daily allowance. From 1 January 1976 onwards, this fee and this allowance were US$84 and US$53 respectively (resolution 3537 B (XXX) of 17 December 1975); the total of US$137 per day represented 1/365th of the annual salary of US$50,000. At the time of the first five-yearly review of the emoluments of Members of the Court, the General Assembly decided to apply to the judges *ad hoc* the system of interim cost-of-living supplements; with effect from 1 January 1981, it fixed their daily fee at US$192, being 1/365th of US$70,000, and their daily allowance at 1/365th of the cost-of-living supplement payable to Members of the Court (resolution 35/220 A of 17 December 1980).

During the second five-yearly review it was decided that, with effect from 1 January 1986, the daily fee of *ad hoc* judges would be fixed at US$225, being 1/365th of US$82,000, and that their daily allowance should be US$8, being 1/365th of the interim supplement of US$3,000 payable to Members of the Court (resolution 40/257 of 18 December 1985). For 1988 this daily allowance was fixed at US$38, being 1/365th of US$13,800 and remained unchanged for 1989. For 1990 this daily allowance was fixed at $54, being 1/365th of US$19,750.

The emoluments of the judges are thus as set out on the following scale:

	US$
President:	
Annual salary	82,000
Interim supplement	19,750
Special allowance	15,000
Vice-President:	
Annual salary	82,000
Interim supplement	19,750
Allowance equivalent to US$94 for every day on which he acts as President, up to an annual maximum of	9,400
Other Members:	
Annual salary	82,000
Interim supplement	19,750
Judges ad hoc:	
Fee of US$225 for each day on which they exercise their functions, plus daily allowance of US$54.	

(b) *Pensions*

Article 32, paragraph 7, of the Statute provides: "Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court." The General Assembly adopted the Pension Scheme Regulations for Members of the International Court of Justice which appear as an annex to resolution 86 (I) of 11 December 1946. Amendments to these regulations were made by resolution 1408 (XIV) of 1 December 1959. The General Assembly adopted new regulations by its resolution 1562 (XV) of 18 Decemb 1960. Some provisions of the regulations were modified by resolution 1925 (XVIII) of 11 December 1963, resolution 2367 (XXII) of 19 December 1967, resolution 2890 A (XXVI) of 22 December 1971, resolution 3193 A (XXVIII) of 18 December 1973, resolution 3537 A (XXX) of 17 December 1975, resolution 35/220 B of 17 December 1980. The General Assembly effected further modifications by resolution 38/239 of 20 December 1983 and resolution 40/257 of 18 December 1985.

According to the revised regulations which came into operation on 1 January 1984, any Member of the Court who has ceased to hold office and who has reached the age of 60 years is entitled, if he has completed at least three years of service, to a retirement pension during the remainder of his life. If he has served a full term of nine years, the amount of the annual pension is one-half of the annual salary. If he has served for more than nine years, the amount of the pension is increased up to a maximum of two-thirds of the annual salary. It is reduced if he has served for less than nine years.

Furthermore, a Member of the Court who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he reached that age, may elect to receive a pension from any date after the date on which he ceases to hold office. The amount of such pension would be that amount which has the same actuarial value as the pension which would have been paid to him at the age of 60.

Provision is made also for disability pensions and pensions for widows and children.

By its resolution 31/204 of 22 December 1976, the General Assembly decided that the retirement pensions given to Members of the Court should be reviewed concurrently with the periodic revision of their annual salary.

The text of the Regulations concerning the pensions scheme of the Members of the International Court of Justice, as revised by the General Assembly in its resolution 38/239 of 20 December 1983, is reproduced in the *Yearbook 1983-1984*, pp. 175-179.

(c) *Conditions of service*

In Section C of resolution 40/257 of 18 December 1985, the General Assembly laid down certain conditions of service applicable to Members of the Court. The text of the relevant portion of this resolution is as follows:

> "*The General Assembly*,
>
> *Recalling* its resolutions 37/237, section XIV, of 21 December 1982, 38/234, section XVII, of 20 December 1983, and 39/236, section V, of 18 December 1984, on conditions of service and compensation for officials other than Secretariat officials,
>
> *Having considered* the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,
>
> 1. *Decides* that, with effect from 1 January 1986, the President and members of the Court who have taken up primary residence in The Hague, shall be reimbursed, up to a ceiling of $4,500, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related travel per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;
>
> 2. *Decides* that, with effect from 1 January 1986, those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for at least five continuous years during service with the Court, shall be eligible to receive a lump sum equivalent to eighteen weeks of annual net base salary upon completion of their appointment and resettlement outside the Netherlands, and that those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for nine continuous years or more during service with the Court, shall receive the equivalent of twenty-four weeks of annual net base salary upon completion of service and relocation outside the Netherlands;
>
> 3. *Decides* that, with effect from 1 January 1986, in the event of the death of a member of the Court during his service, compensation

shall be provided to the survivors in the form of a lump-sum payment equivalent to one month of base salary per year of service, subject to a minimum of three months and a maximum of nine months."

(d) *Travelling expenses*

By virtue of Article 32, paragraph 7, of the Statute, regulations made by the General Assembly fix the conditions under which Members of the Court have their travelling expenses refunded. The General Assembly adopted the Travel and Subsistence Regulations of the International Court of Justice which appear in the annex to resolution 85 (I) of 11 December 1946. On 21 December 1982, by resolution 37/240, it adopted new Travel and Subsistence Regulations of the International Court of Justice (set out in *I.C.J. Yearbook 1982-1983*, pp. 164-167).

3. Salaries, Allowances and Expenses of the Registrar and Officials of the Registry

(a) *Emoluments*

By virtue of Article 32, paragraph 6, of the Statute, the salary of the Registrar is fixed by the General Assembly on the proposal of the Court. By resolution 85 (I) of 11 December 1946 confirmed by resolution 474 (V) of 15 December 1950, the General Assembly decided that "the annual salary of the Registrar of the International Court of Justice shall be assimilated to that of a top-ranking director of the Secretariat of the United Nations". In the existing structure, the Registrar has the rank of an Assistant Secretary-General and the Deputy-Registrar that of a Director.

Officials of the Registry in the professional category, both permanent and temporary, receive the same salary and the same allowances as officials of the United Nations belonging to the same category.

For the purposes of the schedule of post adjustments applicable to the permanent staff of the professional category, The Hague was in Class 9/+7.6 as from 1 July 1990. For temporary staff of the professional category, the subsistence allowance is fixed at 368 guilders a day.

Salaries and allowances of permanent and temporary staff members in the general service category are based on the best prevailing local rates.

The figures given in the budget estimates and accounts in respect of salaries are net figures, after deduction of staff assessment.

(b) *Pensions*

By virtue of Article 12 of the Staff Regulations for the Registry, the Registrar and the officials of the Registry are participants in the United Nations Joint Staff Pension Fund. They participate on the same conditions as all other officials of the United Nations.

(c) *Travelling expenses*

Under Article 5 of the regulations concerning the travel and subsistence allowances of the Members of the International Court of Justice, dated 21 December 1982 (*I.C.J. Yearbook 1982-1983*, p. 167), the travel and subsistence provisions applicable to the Registrar of the Court are as set out in the Staff Regulations of the United Nations for officials of comparable rank, subject to any exceptions authorized by the President of the Court.

The travelling expenses of officials of the Registry are paid under conditions similar to those applied in the Secretariat of the United Nations (Staff Regulations for the Registry, Art. 12).

4. Common Services

The common services of the Court and of the Registry and the capital expenditure of the Court come under special items in the budget.

In particular, the Court pays to the Carnegie Foundation an annual contribution for the premises it occupies at the Peace Palace and in the new wing (see Chap. V, p. 116, above). The amount of the contribution was first fixed by the General Assembly in resolution 84 (I) of 11 December 1946 and has subsequently undergone successive alterations. It was increased to 951,500 guilders as from 1 January 1990 and will be increased to 980,000 guilders as from 1 January 1991.

II. Budget for the Biennium 1990-1991

1. Ordinary Expenses

The Budget of the Court for the biennium 1988-1989, which forms Part V, Section 25, of the Budget of the United Nations, was adopted by the General Assembly on 21 December 1989 (resolution 44/202).

Programme UN-N-25-181. Members of the Court	US$	US$
Salaries and allowances	2,922,800	
Pensions	1,347,100	
Travelling expenses	317,300	
Education grants	64,900	
		4,652,100
Programme UN-N-25-182. The Registry		
Salaries – established posts	4,299,400	
Common staff costs	1,147,800	
Salaries and travel costs of temporary assistance	1,180,100	
Travelling on official business	45,600	
Overtime	46,800	
Representation allowance	7,200	
Hospitality	5,500	
		6,732,400

PROGRAMME UN-N-25-800. COMMON SERVICES	US$	US$
Contribution to the Carnegie Foundation	931,100	
General operating expenses	268,800	
Contractual printing	405,400	
Supplies and materials	150,400	
Library	86,300	
Furniture and equipment	98,400	
Miscellaneous expenses	8,100	
		1,948,500
		13,333,000

2. Unforeseen and Extraordinary Expenses

On 21 December 1989 the General Assembly, in accordance with previous practice, adopted resolution 44/203, containing the following provisions:

"*The General Assembly*

1. *Authorizes* the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations and the provisions of paragraph 3 below, to enter into commitments in the biennium 1990-1991 to meet unforeseen and extraordinary expenses arising either during or subsequent to that biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:

. . . . . .

(b) Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:

(i) The designation of *ad hoc* judges (Statute of the Court, Article 31), not exceeding a total of $250,000;

(ii) The appointment of assessors (Statute, Article 30), or the calling of witnesses and the appointment of experts (Statute, Article 50), not exceeding a total of $75,000;

(iii) The holding of sessions of the Court away from The Hague (Statute, Article 22), not exceeding a total of $100,000."

III. ACCOUNTS FOR THE BIENNIUM 1988-1989

1. Budget Accounts

The Court's accounts are presented in the *I.C.J. Yearbook* in relation to the biennial period concerned and not on the basis of the single financial year.

The table on page 203 gives a summary of the budget accounts for the biennium 1988-1989.

2. Audit of Accounts

The accounts were audited by the competent authorities from 17 to 28 April 1989 and from 19 March to 5 April 1990.

	Appropriation after modifications and transfers		*Expenditure*	
PROGRAMME UN-N-25-181. MEMBERS OF THE COURT	US$		US$	
Salaries and allowances	3,133,600		3,139,341	
Pensions	1,273,300		1,270,471	
Travelling and removal expenses	346,900		301,070	
Education grants	68,300		64,862	
		4,822,100		4,775,744
PROGRAMME UN-N-25-182. THE REGISTRY				
Salaries and overtime	5,094,800		5,056,563	
Common staff costs	1,158,800		1,075,098	
Travelling expenses	46,200		42,050	
Representation allowance	7,200		7,200	
Hospitality	6,900		6,523	
		6,313,900		6,187,434
PROGRAMME UN-N-25-800. COMMON SERVICES				
Contribution to the Carnegie Foundation	892,000		895,723	
General operating expenses	297,200		262,614	
Contractual printing	412,800		401,510	
Supplies and materials	160,000		153,175	
Library	87,700		89,180	
Furniture and equipment	63,100		77,033	
Miscellaneous expenses	8,100		1,399	
		1,920,900		1,880,634
		13,056,900		12,843,812

The publications of the INTERNATIONAL COURT OF JUSTICE may be ordered from any bookseller. For information regarding the sale of the Court's publications please write to the *Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10 (Switzerland)*, or the *Sales Section, United Nations, New York, NY 10017 (USA)*.

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All enquiries other than with regard to purchase of publications should be addressed to the *Registrar of the International Court of Justice, Peace Palace, 2517 KJ The Hague, Netherlands* (telephone: 392 44 41).

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